

# The National Landscape Conservation System

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## A Compendium of Units in Colorado

**Branch of Social and Cultural Resources**

**2/22/2010**



This compendium provides a detailed listing of National Landscape Conservation System (NLCS) units managed by the Bureau of Land Management (BLM) in Colorado. The document includes basic facts, descriptions of the objects and values for which areas are being protected, and pertinent legislation for congressionally designated areas and for Presidential proclamations.

# BLM COLORADO

## NATIONAL LANDSCAPE CONSERVATION SYSTEM COMPENDIUM

### Table of Contents

FACT SHEET (67 areas, about 1.174 MILLION acres in the NLCS Colorado) .....	4
SPECIFIC OBJECTS & VALUES FOR NLCS UNITS .....	5
Dominguez-Escalante National Conservation Area .....	5
McInnis Canyons National Conservation Area.....	5
Gunnison Gorge National Conservation Area .....	5
Canyons of the Ancients National Monument .....	5
Continental Divide National Scenic Trail (CDNST).....	6
Old Spanish National Historic Trail (OSHT) .....	6
Wilderness & Wilderness Study Areas.....	7
DOMINGUEZ-ESCALANTE NATIONAL CONSERVATION AREA .....	8
Objects and Values for which Area Was Established:.....	8
Authorizing Legislation: .....	9
Omnibus Public Land Management Act Of 2009 .....	9
MCINNIS CANYONS NATIONAL CONSERVATION AREA.....	15
Objects and Values for Which Area Was Established: .....	15
Authorizing Legislation: .....	16
Colorado Canyons National Conservation Area And Black Ridge Canyons Wilderness Act Of 2000 .	16
Amendment to rename the McInnis Canyons National Conservation Area .....	23
GUNNISON GORGE NATIONAL CONSERVATION AREA .....	24
Objects and Values for which Area Was Established:.....	24
Authorizing Legislation: .....	25
Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 .....	25
The Black Canyon Of The Gunnison Boundary Revision Act Of 2003. ....	32
CANYONS OF THE ANCIENTS NATIONAL MONUMENT .....	34
Objects and Values for which Area Was Established:.....	34
Presidential Proclamation .....	35
American Antiquities Act Of 1906.....	39

CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.....	40
Objects and Values for which Area Was Established:.....	40
OLD SPANISH NATIONAL HISTORIC TRAIL.....	41
Objects and Values for which Area Was Established:.....	41
WILDERNESS (5 areas with 211,035 total acres in CO).....	42
Objects and Values for which Area Was Established:.....	42
Authorizing Legislation: .....	44
Public Law 103-77, Colorado Wilderness Act Of 1993.....	44
Wilderness Act .....	53
WILDERNESS STUDY AREAS (55 areas, more than 548,000 acres) .....	61
Objects and Values for which Area Was Established.....	61
TABLE 1. Colorado Wilderness Study Areas Detailed List (Reported December, 2009) .....	62
TABLE 2. Colorado Wilderness Study Areas Detailed List (Revised May, 2010) .....	64
Agency Authorization.....	73
NATIONAL LANDSCAPE CONSERVATION SYSTEM (NLCS) .....	74
Standard NLCS Reference Language for BLM Colorado.....	74
Enabling Legislation .....	75
WILD AND SCENIC RIVERS.....	77
Objects and Values for which Area Was Established:.....	77

## **FACT SHEET (67 areas, about 1.174 MILLION acres in the NLCS Colorado)**

### **Dominguez-Escalante National Conservation Area and Dominguez Canyon Wilderness**

- 209,610 acres in the NCA
- 66,280 acres in the Dominguez Canyon Wilderness

### **McInnis Canyons National Conservation Area and Black Ridge Canyons Wilderness**

- 122,750 acres in the NCA at the time of designation
- 75,550 acres in the Black Ridge Canyons Wilderness, with 5,120 acres in Utah

### **Gunnison Gorge National Conservation Area and Gunnison Gorge Wilderness**

- 62,844 acres in the NCA at the time of designation
- 17,784 acres in the Gunnison Gorge Wilderness

### **Canyons of the Ancients National Monument & Anasazi Heritage Center**

- 170,965 acres National Monument at the time of designation
- 4,573 acres were added in 2009 through the Wallace Property acquisition for a total of 175,423 acres
- 3.6 million total objects housed

### **Continental Divide National Scenic Trail**

- 1 mile (San Juan Public Lands Center)

### **Old Spanish National Historic Trail**

- 85 miles, plus dozens of access trails and thousands of acres of viewshed

**Wilderness Areas** (includes 211,035 total acres in CO; an additional 8,075 acres in Tabeguache and 5,120 acres in Utah are not included in this total)

- **Black Ridge Canyons** (75,550, with 5,120 acres located in Utah)
- **Dominguez Canyon** (66,280 acres)
- **Gunnison Gorge Wilderness** (17,784 acres)
- **Powderhorn Wilderness Area** (47,980 acres)
- **Tabeguache Congressionally Designated Management Area** (8,075 acres)
  - Public Law 103-77, Colorado Wilderness Act of 1993
  - Public Law 88-577, The Wilderness Act, September 3, 1964
- **Uncompahgre Wilderness Area** (3,390 acres)

### **Wilderness Study Areas** (*details under “Colorado Wilderness Study Areas”*)

- 54 areas
- More than 548,000 acres within 10 Field Offices

### **Wild and Scenic Rivers**

- No designations
- Multiple segments identified as “Suitable”.

## **SPECIFIC OBJECTS & VALUES FOR NLCS UNITS**

### **Dominguez-Escalante National Conservation Area**

Dominguez-Escalante National Conservation Area contains 209,610 acres including the 66,280 acre Dominguez Canyon wilderness area. The purposes of the Conservation Area are to conserve and protect for the benefit and enjoyment of present and future generations— (1) the unique and important resources and values of the land, including the geological, cultural, archaeological, paleontological, natural, scientific, recreational, wilderness, wildlife, riparian, historical, educational, and scenic resources of the public land; and (2) the water resources of area streams, based on seasonally available flows, that are necessary to support aquatic, riparian, and terrestrial species and communities.

### **McInnis Canyons National Conservation Area**

McInnis Canyons National Conservation Area contains 122,300 acres, including the 75,550 acre Black Ridge Canyon Wilderness. The purpose of this Act is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important values of the public lands of the NCA, including geological, cultural, paleontological, natural, scientific, recreational, environmental, biological, wilderness, wildlife education, and scenic resources of such public lands, by establishing the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness in the State of Colorado and the State of Utah.

### **Gunnison Gorge National Conservation Area**

Gunnison Gorge National Conservation Area contains 62,844 acres, including the 17,700 acre Gunnison Gorge Wilderness Area. Adjacent public land downstream of the Black Canyon of the Gunnison National Monument has wilderness value and offers unique geological, paleontological, scientific, educational, and recreational resources; public land adjacent to the Black Canyon of the Gunnison National Monument contributes to the protection of the wildlife, viewshed, and scenic qualities of the Black Canyon; the benefits of designating public and private land surrounding the national monument as a national park include greater long-term protection of the resources and expanded visitor use opportunities; and land in and adjacent to the Black Canyon of the Gunnison Gorge is— recognized for offering exceptional multiple use opportunities; recognized for offering natural, cultural, scenic, wilderness, and recreational resources; and worthy of additional protection as a national conservation area, and with respect to the Gunnison Gorge itself, as a component of the national wilderness system.

### **Canyons of the Ancients National Monument**

Canyons of the Ancients National Monument contains 175,423 acres and houses more than 3.6 million cultural objects. Containing the highest known density of archaeological sites in the Nation, the Canyons of the Ancients National Monument holds evidence of cultures and traditions spanning thousands of years. This area, with its intertwined natural

and cultural resources, is a rugged landscape, a quality that greatly contributes to the protection of its scientific and historic objects. The monument offers an unparalleled opportunity to observe, study, and experience how cultures lived and adapted over time in the American Southwest. The area includes the archaeological, geological, and biological objects identified in the Proclamation and the Canyons of the Ancients Bibliography. The area of the monument is based on the conservation needs of the objects to be protected. Some of these objects, such as the biological resources, are present throughout the entire monument, while the archaeological resources are in discrete locations throughout the monument. Many objects, particularly the archaeological resources, depend for their scientific value on their location at various sites or elevations.

### **Continental Divide National Scenic Trail (CDNST)**

The primary purpose of this trail is to provide a continuous, appealing trail route, designed for the hiker and horseman, but compatible with other land uses. . . . One of the primary purposes for establishing the CDNST would be to provide hiking and horseback access to those lands where man's impact on the environment has not been adverse to a substantial degree and where the environment remains relatively unaltered. Therefore, the protection of the land resource must remain a paramount consideration in establishing and managing the trail. There must be sufficient environmental controls to assure that the values for which the trail is established are not jeopardized. . . . The basic goal of the trail is to provide the hiker and rider an entree to the diverse country along the Continental Divide in a manner, which will assure a high quality recreation experience while maintaining a constant respect for the natural environment. . . The Continental Divide Trail would be a simple facility for foot and horseback use in keeping with the National Scenic Trail concept as seen in the Appalachian and Pacific Crest Trails. **GENERAL:** National scenic trails will be extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass. National scenic trails may be located so as to represent desert, marsh, grassland, mountain, canyon, river, forest, and other areas, as well as landforms which exhibit significant characteristics of the physiographic regions of the Nation. Connecting or side trails, established as provided in section 6 of this Act, which will provide additional points of public access to national recreation, national scenic or national historic trails or which will provide connections between such trails.

### **Old Spanish National Historic Trail (OSHT)**

**OSHT:** Old Spanish Trail Recognition Act of 2002 - Amends the National Trails System Act to designate the Old Spanish National Historic Trail extending from Sante Fe, New Mexico, to Los Angeles, California, including the Armijo Route, Northern Route, North Branch, and Mojave Road (a major trade route between 1829 and 1848) as a National Historic Trail to be administered by the Secretary of the Interior. Prohibits the United States from acquiring for the Trail any land or interest in land outside the exterior boundary of a federally-managed area without the owner's consent. Allows the Secretary

to designate additional routes to the Trail if they were: (1) included in the Old Spanish Trail National Historic Trail Feasibility Study but not recommended for designation as a national historic trail; and (2) used for trade and commerce between 1829 and 1848.

**GENERAL:** National historic trails will be extended trails which follow as closely as possible and practicable the original trails or routes of travel of national historic significance. Designation of such trails or routes shall be continuous, but the established or developed trail, and the acquisition thereof, need not be continuous onsite. National historic trails shall have as their purpose the identification and protection of the historic route and its historic remnants and artifacts for public use and enjoyment. Only those selected land and water based components of a historic trail which are on federally owned lands and which meet the national historic trail criteria established in this Act are included as Federal protection components of a national historic trail. The appropriate Secretary may certify other lands as protected segments of an historic trail upon application from State or local governmental agencies or private interests involved if such segments meet the national historic trail criteria established in this Act and such criteria supplementary thereto as the appropriate Secretary may prescribe, and are administered by such agencies or interests without expense to the United States.

Connecting or side trails, established as provided in section 6 of this Act, which will provide additional points of public access to national recreation, national scenic or national historic trails or which will provide connections between such trails.

## **Wilderness & Wilderness Study Areas**

A **wilderness**, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which 1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; 2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; 3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and 4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

## **DOMINGUEZ-ESCALANTE NATIONAL CONSERVATION AREA**

### **Acreage**

- 209,610 acres in the NCA
- 66,280 acres in the Dominguez Canyon Wilderness

### **Designation Date:**

- March 30, 2009

### **Authority:**

- Public Law 111-11, Omnibus Public Land Management Act of 2009

### **Objects and Values for which Area Was Established:**

- Dominguez-Escalante National Conservation Area contains 209,610 acres including the 66,280 acre Dominguez Canyon wilderness area. The purposes of the Conservation Area are to conserve and protect for the benefit and enjoyment of present and future generations—
  - (1) the unique and important resources and values of the land, including the geological, cultural, archaeological, paleontological, natural, scientific, recreational, wilderness, wildlife, riparian, historical, educational, and scenic resources of the public land; and
  - (2) the water resources of area streams, based on seasonally available flows, that are necessary to support aquatic, riparian, and terrestrial species and communities.

### **RMP date:**

- Under development. Target date March 30, 2012



## **Authorizing Legislation:**

### **DOMINGUEZ-ESCALANTE NATIONAL CONSERVATION AREA**

#### **Omnibus Public Land Management Act Of 2009**

#### **PUBLIC LAW 111–11—MARCH 30, 2009**

#### **Subtitle E—Dominguez-Escalante National Conservation Area**

#### **SEC. 2401. DEFINITIONS.**

In this subtitle:

- (1) CONSERVATION AREA.—The term “Conservation Area” means the Dominguez-Escalante National Conservation Area established by section 2402(a)(1).
- (2) COUNCIL.—The term “Council” means the Dominguez-Escalante National Conservation Area Advisory Council established under section 2407.
- (3) MANAGEMENT PLAN.—The term “management plan” means the management plan developed under section 2406.
- (4) MAP.—The term “Map” means the map entitled “Dominguez-Escalante National Conservation Area” and dated September 15, 2008.
- (5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.
- (6) STATE.—The term “State” means the State of Colorado.
- (7) WILDERNESS.—The term “Wilderness” means the Dominguez Canyon Wilderness Area designated by section 2403(a).

#### **SEC. 2402. DOMINGUEZ-ESCALANTE NATIONAL CONSERVATION AREA.**

##### **(a) ESTABLISHMENT.—**

(1) IN GENERAL.—There is established the Dominguez-Escalante National Conservation Area in the State.

(2) AREA INCLUDED.—The Conservation Area shall consist of approximately 209,610 acres of public land, as generally depicted on the Map.

(b) PURPOSES.—The purposes of the Conservation Area are to conserve and protect for the benefit and enjoyment of present and future generations—

(1) the unique and important resources and values of the land, including the geological, cultural, archaeological, paleontological, natural, scientific, recreational, wilderness, wildlife, riparian, historical, educational, and scenic resources of the public land; and

(2) the water resources of area streams, based on seasonally available flows, that are necessary to support aquatic, riparian, and terrestrial species and communities.

##### **(c) MANAGEMENT.—**

(1) IN GENERAL.—The Secretary shall manage the Conservation Area—

(A) as a component of the National Landscape Conservation System;

(B) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area described in subsection (b); and

(C) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this subtitle; and (iii) any other applicable laws.

(2) USES.—

(A) IN GENERAL.—The Secretary shall allow only such uses of the Conservation Area as the Secretary determines would further the purposes for which the Conservation Area is established.

(B) USE OF MOTORIZED VEHICLES.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), use of motorized vehicles in the Conservation

Area shall be allowed—

(I) before the effective date of the management plan, only on roads and trails designated for use of motor vehicles in the management plan that applies on the date of the enactment of this Act to the public land in the Conservation Area; and (II) after the effective date of the management plan, only on roads and trails designated in the management plan for the use of motor vehicles.

(ii) ADMINISTRATIVE AND EMERGENCY RESPONSE USE.—Clause (i) shall not limit the use of motor vehicles in the Conservation Area for administrative purposes or to respond to an emergency.

(iii) LIMITATION.—This subparagraph shall not apply to the Wilderness.

**SEC. 2403. DOMINGUEZ CANYON WILDERNESS AREA.**

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 66,280 acres of public land in Mesa, Montrose, and Delta Counties, Colorado, as generally depicted on the Map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Dominguez Canyon Wilderness Area”.

(b) ADMINISTRATION OF WILDERNESS.—The Wilderness shall be managed by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this subtitle, except that—

(1) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

**SEC. 2404. MAPS AND LEGAL DESCRIPTIONS.**

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Conservation Area and the Wilderness with—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Natural Resources of the House of Representatives.

(b) FORCE AND EFFECT.—The Map and legal descriptions filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct clerical and typographical errors in the Map and legal descriptions.

(c) PUBLIC AVAILABILITY.—The Map and legal descriptions filed under subsection (a) shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

**SEC. 2405. MANAGEMENT OF CONSERVATION AREA AND WILDERNESS.**

(a) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Conservation Area and the Wilderness and all land and interests in land acquired by the United States within the Conservation Area or the Wilderness is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(b) **GRAZING.**—

(1) **GRAZING IN CONSERVATION AREA.**—Except as provided in paragraph (2), the Secretary shall issue and administer any grazing leases or permits in the Conservation Area in accordance with the laws (including regulations) applicable to the issuance and administration of such leases and permits on other land under the jurisdiction of the Bureau of Land Management.

(2) **GRAZING IN WILDERNESS.**—The grazing of livestock in the Wilderness, if established as of the date of enactment of this Act, shall be permitted to continue—

(A) subject to any reasonable regulations, policies, and practices that the Secretary determines to be necessary; and

(B) in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(c) **NO BUFFER ZONES.**—

(1) **IN GENERAL.**—Nothing in this subtitle creates a protective perimeter or buffer zone around the Conservation Area.

(2) **ACTIVITIES OUTSIDE CONSERVATION AREA.**—The fact that an activity or use on land outside the Conservation Area can be seen or heard within the Conservation Area shall not preclude the activity or use outside the boundary of the Conservation Area.

(d) **ACQUISITION OF LAND.**—

(1) **IN GENERAL.**—The Secretary may acquire non-Federal land within the boundaries of the Conservation Area or the Wilderness only through exchange, donation, or purchase from a willing seller.

(2) **MANAGEMENT.**—Land acquired under paragraph (1) shall—

(A) become part of the Conservation Area and, if applicable, the Wilderness; and (B) be managed in accordance with this subtitle and any other applicable laws.

(e) **FIRE, INSECTS, AND DISEASES.**—Subject to such terms and conditions as the Secretary determines to be desirable and appropriate, the Secretary may undertake such measures as are necessary to control fire, insects, and diseases—

(1) in the Wilderness, in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and Contracts.

(2) except as provided in paragraph (1), in the Conservation Area in accordance with this subtitle and any other applicable laws.

(f) **ACCESS.**—The Secretary shall continue to provide private landowners adequate access to inholdings in the Conservation Area.

(g) **INVASIVE SPECIES AND NOXIOUS WEEDS.**—In accordance with any applicable laws and subject to such terms and conditions as the Secretary determines to be desirable and appropriate, the Secretary may prescribe measures to control nonnative invasive plants and noxious weeds within the Conservation Area.

(h) **WATER RIGHTS.**—

(1) **EFFECT.**—Nothing in this subtitle—

(A) affects the use or allocation, in existence on the date of enactment of this Act, of any water, water right, or interest in water;

(B) affects any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States;  
(C) affects any interstate water compact in existence on the date of enactment of this Act;  
(D) authorizes or imposes any new reserved Federal water rights; or (E) shall be considered to be a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State on or before the date of enactment of this Act.

(2) WILDERNESS WATER RIGHTS.—

(A) IN GENERAL.—The Secretary shall ensure that any water rights within the Wilderness required to fulfill the purposes of the Wilderness are secured in accordance with subparagraphs (B) through (G).

(B) STATE LAW.—

(i) PROCEDURAL REQUIREMENTS.—Any water rights within the Wilderness for which the Secretary pursues adjudication shall be adjudicated, changed, and administered in accordance with the procedural requirements and priority system of State law.

(ii) ESTABLISHMENT OF WATER RIGHTS.—

(I) IN GENERAL.—Except as provided in subclause

(II), the purposes and other substantive characteristics of the water rights pursued under this paragraph shall be established in accordance with State law.

(II) EXCEPTION.—Notwithstanding subclause

(I) and in accordance with this subtitle, the Secretary may appropriate and seek adjudication of water rights to maintain surface water levels and stream flows on and across the Wilderness to fulfill the purposes of the Wilderness.

(C) DEADLINE.—The Secretary shall promptly, but not earlier than January 2009, appropriate the water rights required to fulfill the purposes of the Wilderness.

(D) REQUIRED DETERMINATION.—The Secretary shall not pursue adjudication for any instream flow water rights unless the Secretary makes a determination pursuant to subparagraph (E)(i) or (F).

(i) IN GENERAL.—The Secretary shall not pursue adjudication of any Federal instream flow water rights established under this paragraph if—

(I) the Secretary determines, upon adjudication of the water rights by the Colorado Water Conservation Board, that the Board holds water rights sufficient in priority, amount, and timing to fulfill the purposes of the Wilderness; and (II) the Secretary has entered into a perpetual agreement with the Colorado Water Conservation Board to ensure the full exercise, protection, and enforcement of the State water rights within the Wilderness to reliably fulfill the purposes of the Wilderness.

(ii) ADJUDICATION.—If the Secretary determines that the provisions of clause (i) have not been met, the Secretary shall adjudicate and exercise any Federal water rights required to fulfill the purposes of the Wilderness in accordance with this paragraph.

(F) INSUFFICIENT WATER RIGHTS.—If the Colorado Water Conservation Board modifies the instream flow water rights obtained under subparagraph (E) to such a degree that the Secretary determines that water rights held by the State are insufficient to fulfill the purposes of the Wilderness, the Secretary shall adjudicate and exercise Federal water rights required to fulfill the purposes of the Wilderness in accordance with subparagraph (B).

(G) FAILURE TO COMPLY.—The Secretary shall promptly act to exercise and enforce the water rights described in subparagraph (E) if the Secretary determines that—

(i) the State is not exercising its water rights consistent with subparagraph (E)(i)(I); or

(ii) the agreement described in subparagraph (E)(i)(II) is not fulfilled or complied with sufficiently to fulfill the purposes of the Wilderness.

**(3) WATER RESOURCE FACILITY.—**

(A) **IN GENERAL.**—Notwithstanding any other provision of law and subject to subparagraph (B), beginning on the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new irrigation and pumping facility, reservoir, water conservation work, aqueduct, canal, ditch, pipeline, well, hydropower project, transmission, other ancillary facility, or other water, diversion, storage, or carriage structure in the Wilderness.

(B) **EXCEPTION.**—Notwithstanding subparagraph (A), the Secretary may allow construction of new livestock watering facilities within the Wilderness in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

**(4) CONSERVATION AREA WATER RIGHTS.**—With respect to water within the Conservation Area, nothing in this subtitle—

(A) authorizes any Federal agency to appropriate or otherwise acquire any water right on the mainstem of the Gunnison River; or

(B) prevents the State from appropriating or acquiring, or requires the State to appropriate or acquire, an instream flow water right on the mainstem of the Gunnison River.

**(5) WILDERNESS BOUNDARIES ALONG GUNNISON RIVER.—**

(A) **IN GENERAL.**—In areas in which the Gunnison River is used as a reference for defining the boundary of the Wilderness, the boundary shall—

(i) be located at the edge of the river; and

(ii) change according to the river level.

(B) **EXCLUSION FROM WILDERNESS.**—Regardless of the level of the Gunnison River, no portion of the Gunnison River is included in the Wilderness.

(i) **EFFECT.**—Nothing in this subtitle—

(1) diminishes the jurisdiction of the State with respect to fish and wildlife in the State; or

(2) imposes any Federal water quality standard upstream of the Conservation Area or within the mainstem of the Gunnison River that is more restrictive than would be applicable had the Conservation Area not been established.

(j) **VALID EXISTING RIGHTS.**—The designation of the Conservation Area and Wilderness is subject to valid rights in existence on the date of enactment of this Act.

**SEC. 2406. MANAGEMENT PLAN.**

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Conservation Area.

(b) **PURPOSES.**—The management plan shall—

(1) describe the appropriate uses and management of the Conservation Area;

(2) be developed with extensive public input;

(3) take into consideration any information developed in studies of the land within the Conservation Area; and

(4) include a comprehensive travel management plan.

**SEC. 2407. ADVISORY COUNCIL.**

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish an advisory council, to be known as the “Dominguez-Escalante National Conservation Area Advisory Council”.

(b) DUTIES.—The Council shall advise the Secretary with respect to the preparation and implementation of the management plan.

(c) APPLICABLE LAW.—The Council shall be subject to—

(1) the Federal Advisory Committee Act (5 U.S.C. App.); and

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(d) MEMBERS.—The Council shall include 10 members to be appointed by the Secretary, of whom, to the extent practicable—

(1) 1 member shall be appointed after considering the recommendations of the Mesa County Commission;

(2) 1 member shall be appointed after considering the recommendations of the Montrose County Commission;

(3) 1 member shall be appointed after considering the recommendations of the Delta County Commission;

(4) 1 member shall be appointed after considering the recommendations of the permittees holding grazing allotments within the Conservation Area or the Wilderness; and

(5) 5 members shall reside in, or within reasonable proximity to, Mesa County, Delta County, or Montrose County, Colorado, with backgrounds that reflect—

(A) the purposes for which the Conservation Area or Wilderness was established; and

(B) the interests of the stakeholders that are affected by the planning and management of the Conservation Area and Wilderness.

(e) REPRESENTATION.—The Secretary shall ensure that the membership of the Council is fairly balanced in terms of the points of view represented and the functions to be performed by the Council.

(f) DURATION.—The Council shall terminate on the date that is 1 year from the date on which the management plan is adopted by the Secretary.

**SEC. 2408. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

## **MCINNIS CANYONS NATIONAL CONSERVATION AREA**

### **Acreage**

- 122,300 acres in the NCA at the time of designation
- 75,550 acres in the Black Ridge Canyons Wilderness, with an additional 5,120 acres in Utah

### **Designation Date:**

- October 24, 2000, Colorado Canyons NCA.
- January 1, 2005, renamed McInnis Canyons NCA.

### **Authority:**

- Public Law 106-353, Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000.
- Public Law 108-400, Colorado Canyons NCA renamed to McInnis Canyons NCA.

### **Objects and Values for Which Area Was Established:**

- McInnis Canyons National Conservation Area contains 122,300 acres, including the 75,550 acre Black Ridge Canyon Wilderness.
- The purpose of this Act is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important values of the public lands of the NCA, including geological, cultural, paleontological, natural, scientific, recreational, environmental, biological, wilderness, wildlife education, and scenic resources of such public lands, by establishing the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness in the State of Colorado and the State of Utah.

### **RMP date:**

- October 28, 2004

## **Authorizing Legislation:**

### **Colorado Canyons National Conservation Area And Black Ridge Canyons Wilderness Act Of 2000**

#### **Public Law 106-353 106th Congress**

An Act

To establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons  
Wilderness, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in  
Congress assembled

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the "Colorado Canyons National Conservation Area and Black Ridge  
Canyons Wilderness Act of 2000".

#### **SEC. 2. FINDINGS AND PURPOSE.**

(a) Findings.--Congress finds that certain areas located in the Grand Valley in Mesa County,  
Colorado, and Grand County, Utah, should be protected and enhanced for the benefit and  
enjoyment of present and future generations. These areas include the following:

(1) The areas making up the Black Ridge and Ruby Canyons of the Grand Valley and Rabbit  
Valley, which contain unique and valuable scenic, recreational, multiple use opportunities  
(including grazing), paleontological, natural, and wildlife components enhanced by the rural  
western setting of the area, provide extensive opportunities for recreational activities, and are  
publicly used for hiking, camping, and grazing, and are worthy of additional protection as a  
national conservation area.

(2) The Black Ridge Canyons Wilderness Study Area has wilderness value and offers unique  
geological, paleontological, scientific, and recreational resources.

(b) Purpose.--The purpose of this Act is to conserve, protect, and enhance for the benefit and  
enjoyment of present and future generations the unique and nationally important values of the  
public lands described in section 4(b), including geological, cultural, paleontological, natural,  
scientific, recreational, environmental, biological, wilderness, wildlife education, and scenic  
resources of such public lands, by establishing the Colorado Canyons National Conservation  
Area and the Black Ridge Canyons Wilderness in the State of Colorado and the State of Utah.

#### **SEC. 3. DEFINITIONS.**

In this Act:



- (1) Conservation area.--The term "Conservation Area" means the Colorado Canyons National Conservation Area established by section 4(a).
- (2) Council.--The term "Council" means the Colorado Canyons National Conservation Area Advisory Council established under section 8.
- (3) Management plan.--The term "management plan" means the management plan developed for the Conservation Area under section 6(h).
- (4) Map.--The term "Map" means the map entitled "Proposed Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Area" and dated July 18, 2000.
- (5) Secretary.--The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.
- (6) Wilderness.--The term "Wilderness" means the Black Ridge Canyons Wilderness so designated in section 5.

#### SEC. 4. COLORADO CANYONS NATIONAL CONSERVATION AREA.

- (a) In General.--There is established the Colorado Canyons National Conservation Area in the State of Colorado and the State of Utah.
- (b) Areas Included.--The Conservation Area shall consist of approximately 122,300 acres of public land as generally depicted on the Map.

#### SEC. 5. BLACK RIDGE CANYONS WILDERNESS DESIGNATION.

Certain lands in Mesa County, Colorado, and Grand County, Utah, which comprise approximately 75,550 acres as generally depicted on the Map, are hereby designated as wilderness and therefore as a component of the National Wilderness Preservation System. Such component shall be known as the Black Ridge Canyons Wilderness.

#### SEC. 6. MANAGEMENT.

- (a) Conservation Area.--The Secretary shall manage the Conservation Area in a manner that--
  - (1) conserves, protects, and enhances the resources of the Conservation Area specified in section 2(b); and
  - (2) is in accordance with--
    - (A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and
    - (B) other applicable law, including this Act.
- (b) Uses.--The Secretary shall allow only such uses of the Conservation Area as the Secretary determines will further the purposes for which the Conservation Area is established.
- (c) Withdrawals.--Subject to valid existing rights, all Federal land within the Conservation Area and the Wilderness and all land and interests in land acquired for the Conservation Area or the Wilderness by the United States are withdrawn from--
  - (1) all forms of entry, appropriation, or disposal under the public land laws;
  - (2) location, entry, and patent under the mining laws; and

(3) the operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto.

Nothing in this subsection shall be construed to affect discretionary authority of the Secretary under other Federal laws to grant, issue, or renew rights-of-way or other land use authorizations consistent with the other provisions of this Act.

(d) Off-Highway Vehicle Use.--

(1) In general.--Except as provided in paragraph (2), use of motorized vehicles in the Conservation Area--

(A) before the effective date of a management plan under subsection (h), shall be allowed only on roads and trails designated for use of motor vehicles in the management plan that applies on the date of the

enactment of this Act to the public lands in the Conservation Area; and

(B) after the effective date of a management plan under subsection (h), shall be allowed only on roads and trails designated for use of motor vehicles in that management plan.

(2) Administrative and emergency response use.--Paragraph (1) shall not limit the use of motor vehicles in the Conservation Area as needed for administrative purposes or to respond to an emergency.

(e) Wilderness.--Subject to valid existing rights, lands designated as wilderness by this Act shall be managed by the Secretary, as appropriate, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to any wilderness areas designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

(f ) Hunting, Trapping, and Fishing.--

(1) In general.--Hunting, trapping, and fishing shall be allowed within the Conservation Area and the Wilderness in accordance with applicable laws and regulations of the United States and the States of Colorado and Utah.

(2) Area and time closures.--The head of the Colorado Division of Wildlife (in reference to land within the State of Colorado), the head of the Utah Division of Wildlife (in reference to land within the State of Utah), or the Secretary after consultation with the Colorado Division of Wildlife (in reference to land within the State of Colorado) or the head of the Utah Division of Wildlife (in reference to land within the State of Utah), may issue regulations designating zones where, and establishing limited periods when, hunting, trapping, or fishing shall be prohibited in the Conservation Area or the Wilderness for reasons of public safety, administration, or public use and enjoyment.

(g) Grazing.--

(1) In general.--Except as provided by paragraph (2), the Secretary shall issue and administer any grazing leases or permits in the Conservation Area and the Wilderness in

accordance with the same laws (including regulations) and Executive orders followed by the Secretary in issuing and administering grazing leases and permits on other land under the jurisdiction of the Bureau of Land Management.

(2) Grazing in wilderness.--Grazing of livestock in the Wilderness shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), in accordance with the guidelines set forth in Appendix A of House Report 101-405 of the 101st Congress.

(h) Management Plan.--

(1) In general.--Not later than 3 years after the date of the enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-range protection and management of the Conservation Area and the Wilderness and the lands described in paragraph (2)(E).

(2) Purposes.--The management plan shall--

(A) describe the appropriate uses and management of the Conservation Area and the Wilderness;

(B) take into consideration any information developed in studies of the land within the Conservation Area or the Wilderness;

(C) provide for the continued management of the utility corridor, Black Ridge Communications Site, and the Federal Aviation Administration site as such for the land designated on the Map as utility corridor, Black Ridge Communications Site, and the Federal Aviation Administration site;

(D) take into consideration the historical involvement of the local community in the interpretation and protection of the resources of the Conservation Area and the Wilderness, as well as the Ruby Canyon/Black Ridge Integrated Resource Management Plan, dated March 1998, which was the result of collaborative efforts on the part of the Bureau of Land Management and the local community; and

(E) include all public lands between the boundary of the Conservation Area and the edge of the Colorado River and, on such lands, the Secretary shall allow only such recreational or other uses as are consistent with this Act.

(i) No Buffer Zones.--The Congress does not intend for the establishment of the Conservation Area or the Wilderness to lead to the creation of protective perimeters or buffer zones around the Conservation Area or the Wilderness. The fact that there may be activities or uses on lands outside the Conservation Area or the Wilderness that would not be allowed in the Conservation Area or the Wilderness shall not preclude such activities or uses on such lands up to the boundary of the Conservation Area or the Wilderness consistent with other applicable laws.

(j) Acquisition of Land.--

(1) In general.--The Secretary may acquire non-federally owned land within the exterior boundaries of the Conservation Area or the Wilderness only through purchase from a willing seller, exchange, or donation.

(2) Management.--Land acquired under paragraph (1) shall be managed as part of the Conservation Area or the Wilderness, as the case may be, in accordance with this Act.

(k) Interpretive Facilities or Sites.--The Secretary may establish minimal interpretive facilities or sites in cooperation with other public or private entities as the Secretary considers appropriate. Any facilities or sites shall be designed to protect the resources referred to in section 2(b).

(1) Water Rights.--

(1) Findings.--Congress finds that--

(A) the lands designated as wilderness by this Act are located at the headwaters of the streams and rivers on those lands, with few, if any, actual or proposed water resource facilities located upstream from such lands and few, if any, opportunities for diversion, storage, or other uses of water occurring outside such lands that would adversely affect the wilderness or other values of such lands;

(B) the lands designated as wilderness by this Act generally are not suitable for use for development of new water resource facilities, or for the expansion of existing facilities;

(C) it is possible to provide for proper management and protection of the wilderness and other values of such lands in ways different from those utilized in other legislation designating as wilderness lands not sharing the attributes of the lands designated as wilderness by this Act.

(2) Statutory construction.--

(A) Nothing in this Act shall constitute or be construed to constitute either an express or implied reservation of any water or water rights with respect to the lands designated as a national conservation area or as wilderness by this Act.

(B) Nothing in this Act shall affect any conditional or absolute water rights in the State of Colorado existing on the date of the enactment of this Act.

(C) Nothing in this subsection shall be construed as establishing a precedent with regard to any future national conservation area or wilderness designations.

(D) Nothing in this Act shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Colorado and other States.

(3) Colorado water law.--The Secretary shall follow the procedural and substantive requirements of the law of the State of Colorado in order to obtain and hold any new water rights with respect to the Conservation Area and the Wilderness.

(4) New projects.--

(A) As used in this paragraph, the term "water resource facility" means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures. Such term does not include any such facilities related to or used for the purpose of livestock grazing.

(B) Except as otherwise provided by section 6(g) or other provisions of this Act, on and after the date of the enactment of this Act, neither the President nor any other officer, employee, or agent

of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the wilderness area designated by this Act.

(C) Except as provided in this paragraph, nothing in this Act shall be construed to affect or limit the use, operation, maintenance, repair, modification, or replacement of water resource facilities in existence on the date of the enactment of this Act within the boundaries of the Wilderness.

#### (5) Boundaries along Colorado River.--

(A) Neither the Conservation Area nor the Wilderness shall include any part of the Colorado River to the 100-year high water mark.

(B) Nothing in this Act shall affect the authority that the Secretary may or may not have to manage recreational uses on the Colorado River, except as such authority may be affected by compliance with paragraph (3). Nothing in this Act shall be construed to affect the authority of the Secretary to manage the public lands between the boundary of the Conservation Area and the edge of the Colorado River.

(C) Subject to valid existing rights, all lands owned by the Federal Government between the 100-year high water mark on each shore of the Colorado River, as designated on the Map from the line labeled "Line A" on the east to the boundary between the States of Colorado and Utah on the West, are hereby withdrawn from--

- (i) all forms of entry, appropriation, or disposal under the public land laws;
- (ii) location, entry, and patent under the mining laws; and
- (iii) the operation of the mineral leasing, mineral materials, and geothermal leasing laws.

### SEC. 7. MAPS AND LEGAL DESCRIPTIONS.

(a) In General.--As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a copy of the Map and a legal description of the Conservation Area and of the Wilderness.

(b) Force and Effect.--The Map and legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the Map and the legal descriptions. (c) Public Availability.--Copies of the Map and the legal descriptions shall be on file and available for public inspection in-- (1) the Office of the Director of the Bureau of Land Management;

(2) the Grand Junction District Office of the Bureau of Land Management in Colorado;

(3) the appropriate office of the Bureau of Land Management in Colorado, if the Grand Junction District Office is not deemed the appropriate office; and

(4) the appropriate office of the Bureau of Land Management in Utah.

(d) Map Controlling.--Subject to section 6(l)(3), in the case of a discrepancy between the Map and the descriptions, the Map shall control.

### SEC. 8. ADVISORY COUNCIL

(a) Establishment.--Not later than 6 months after the date of the enactment of this Act, the Secretary shall establish an advisory council to be known as the "Colorado Canyons National Conservation Area Advisory Council".

(b) Duty.--The Council shall advise the Secretary with respect to preparation and implementation of the management plan, including budgetary matters, for the Conservation Area and the Wilderness

(c) Applicable Law.--The Council shall be subject to--

(1) the Federal Advisory Committee Act (5 U.S.C. App.); and

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(d) Members.--The Council shall consist of 10 members to be appointed by the Secretary including, to the extent practicable:

(1) A member of or nominated by the Mesa County Commission.

(2) A member nominated by the permittees holding grazing allotments within the Conservation Area or the Wilderness.

(3) A member of or nominated by the Northwest Resource Advisory Council.

(4) Seven members residing in, or within reasonable proximity to, Mesa County, Colorado, with recognized backgrounds reflecting--

(A) the purposes for which the Conservation Area or Wilderness was established; and

(B) the interests of the stakeholders that are affected by the planning and management of the Conservation Area and the Wilderness.

## SEC. 9. PUBLIC ACCESS.

(a) In General.--The Secretary shall continue to allow private landowners reasonable access to inholdings in the Conservation Area and Wilderness.

(b) Glade Park.--The Secretary shall continue to allow public right of access, including commercial vehicles, to Glade Park, Colorado, in accordance with the decision in Board of County Commissioners of Mesa County v. Watt (634 F. Supp. 1265 (D.Colo.; May 2, 1986)).

Approved October 24, 2000.

## **Amendment to rename the McInnis Canyons National Conservation Area**

118 STAT. 2254 PUBLIC LAW 108–400—OCT. 30, 2004

Public Law 108–400

108th Congress

An Act

To amend the Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000 to rename the Colorado Canyons National Conservation Area as the McInnis Canyons National Conservation Area.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### **SECTION 1. MCINNIS CANYONS NATIONAL CONSERVATION AREA.**

(a) **PURPOSE.**—The Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000 (16 U.S.C. 460mm et seq.) is amended in section 2(b) by striking “Colorado Canyons” and inserting “McInnis Canyons”.

(b) **DEFINITIONS.**—Section 3 of such Act is amended—

(1) in paragraph (1), by striking “Colorado” and inserting “McInnis”; and

(2) in paragraph (2), by striking “Colorado” and inserting “McInnis”.

(c) **COLORADO CANYONS NATIONAL CONSERVATION AREA.**—Section 4 of such Act is amended—

(1) in the heading, by striking “**COLORADO**” and inserting “**MCINNIS**”; and

(2) in subsection (a), by striking “Colorado Canyons” and inserting “McInnis Canyons”.

(d) **ADVISORY COUNCIL.**—Section 8(a) of such Act is amended by striking “Colorado Canyons” and inserting “McInnis Canyons”.

(e) **SHORT TITLE.**—Section 1 of such Act is amended by striking “Colorado” and inserting “McInnis”.

(f) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the “Colorado Canyons National Conservation Area” shall be deemed to be a reference to the “McInnis Canyons National Conservation Area”.

(g) **EFFECTIVE DATE.**—This section and the amendments made by this section take effect on January 1, 2005.

Approved October 30, 2004.

## **GUNNISON GORGE NATIONAL CONSERVATION AREA**

### **Acreage**

- 62,844 acres in the NCA at the time of designation
- 17,700 acres in the Gunnison Gorge Wilderness

### **Designation Date:**

- October 21, 1999, Gunnison Gorge NCA
- November 17, 2003, Boundary Revision

### **Authority:**

- Public Law 106-76, Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Act of 1999.
- Public Law 108-78, The Black Canyon of the Gunnison Boundary Revision Act of 2003.

### **Objects and Values for which Area Was Established:**

- Gunnison Gorge National Conservation Area contains 62,844 acres, including the 17,700 acre Gunnison Gorge Wilderness Area.
- Adjacent public land downstream of the Black Canyon of the Gunnison National Monument has wilderness value and offers unique geological, paleontological, scientific, educational, and recreational resources; public land adjacent to the Black Canyon of the Gunnison National Monument contributes to the protection of the wildlife, viewshed, and scenic qualities of the Black Canyon; the benefits of designating public and private land surrounding the national monument as a national park include greater long-term protection of the resources and expanded visitor use opportunities; and land in and adjacent to the Black Canyon of the Gunnison Gorge is—
  - 1) recognized for offering exceptional multiple use opportunities;
  - 2) recognized for offering natural, cultural, scenic, wilderness, and recreational resources; and
  - 3) worthy of additional protection as a national conservation area, and with respect to the Gunnison Gorge itself, as a component of the national wilderness system.

### **RMP date:**

- November 5, 2004



## **Authorizing Legislation:**

### **GUNNISON GORGE NATIONAL CONSERVATION AREA**

PUBLIC LAW 106–76—OCT. 21, 1999

#### **Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999**

106th Congress

An Act

To redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the “Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999”.

#### **SEC. 2. FINDINGS.**

Congress finds that—

- (1) Black Canyon of the Gunnison National Monument was established for the preservation of its spectacular gorges and additional features of scenic, scientific, and educational interest;
- (2) the Black Canyon of the Gunnison and adjacent upland include a variety of unique ecological, geological, scenic, historical, and wildlife components enhanced by the serenity and rural western setting of the area;
- (3) the Black Canyon of the Gunnison and adjacent land provide extensive opportunities for educational and recreational activities, and are publicly used for hiking, camping, and fishing, and for wilderness value, including solitude;
- (4) adjacent public land downstream of the Black Canyon of the Gunnison National Monument has wilderness value and offers unique geological, paleontological, scientific, educational, and recreational resources;
- (5) public land adjacent to the Black Canyon of the Gunnison National Monument contributes to the protection of the wildlife, viewshed, and scenic qualities of the Black Canyon;
- (6) some private land adjacent to the Black Canyon of the Gunnison National Monument has exceptional natural and scenic value that would be threatened by future development pressures;
- (7) the benefits of designating public and private land surrounding the national monument as a national park include greater long-term protection of the resources and expanded visitor use opportunities; and
- (8) land in and adjacent to the Black Canyon of the Gunnison Gorge is—
  - (A) recognized for offering exceptional multiple use opportunities;
  - (B) recognized for offering natural, cultural, scenic, wilderness, and recreational resources; and
  - (C) worthy of additional protection as a national conservation area, and with respect to the Gunnison Gorge itself, as a component of the national wilderness system.

#### **SEC. 3. DEFINITIONS.**

In this Act:

- (1) **CONSERVATION AREA.**—The term “Conservation Area” means the Gunnison Gorge National Conservation Area, consisting of approximately 57,725 acres surrounding the Gunnison

Gorge as depicted on the Map.

(2) MAP.—The term “Map” means the map entitled “Black Canyon of the Gunnison National Park and Gunnison Gorge NCA—1/22/99”. The map shall be on file and available for public inspection in the offices of the Department of the Interior.

(3) PARK.—The term “Park” means the Black Canyon of the Gunnison National Park established under section 4 and depicted on the Map.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

#### **SEC. 4. ESTABLISHMENT OF BLACK CANYON OF THE GUNNISON NATIONAL PARK.**

(a) ESTABLISHMENT.—There is hereby established the Black Canyon of the Gunnison National Park in the State of Colorado as generally depicted on the map identified in section 3. The Black Canyon of the Gunnison National Monument is hereby abolished as such, the lands and interests therein are incorporated within and made part of the new Black Canyon of the Gunnison National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

(b) ADMINISTRATION.—Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management which are identified on the map for inclusion in the park to the administrative jurisdiction of the National Park Service. The secretary shall administer the park in accordance with this Act and laws generally applicable to units of the National Park System, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1, 2–4), and the Act entitled “An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes, approved August 21, 1935 (16 U.S.C. 461 et seq.).

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file maps and a legal description of the park with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. Such maps and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legal description and maps. The maps and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) WITHDRAWAL.—Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

(e) GRAZING.—(1)(A) Consistent with the requirements of this subsection, including the limitation in paragraph (3), the Secretary shall allow the grazing of livestock within the park to continue where authorized under permits or leases in existence as of the date of the enactment of this Act. Grazing shall be at no more than the current level, and subject to applicable laws and National Park Service regulations.

(B) Nothing in this subsection shall be construed as extending grazing privileges for any party or their assignee in any area of the park where, prior to the date of the enactment of this Act, such use was scheduled to expire according to the terms of a settlement by the United States Claims Court affecting property incorporated into the boundary of the Black Canyon of the Gunnison

National Monument.

(C) Nothing in this subsection shall prohibit the Secretary from accepting the voluntary termination of leases or permits for grazing within the park.

(2) Within areas of the park designated as wilderness, the grazing of livestock, where authorized under permits in existence as of the date of the enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, consistent with this Act, the Wilderness Act, and other applicable laws and National Park Service regulations.

(3) With respect to the grazing permits and leases referenced in this subsection, the Secretary shall allow grazing to continue, subject to periodic renewal—

(A) with respect to a permit or lease issued to an individual, for the lifetime of the individual who was the holder of the permit or lease on the date of the enactment of this Act; and

(B) with respect to a permit or lease issued to a partnership, corporation, or other legal entity, for a period which shall terminate on the same date that the last permit or lease held under subparagraph (A) terminates, unless the partnership, corporation, or legal entity dissolves or terminates before such time, in which case the permit or lease shall terminate with the partnership, corporation, or legal entity.

## **SEC. 5. ACQUISITION OF PROPERTY AND MINOR BOUNDARY ADJUSTMENTS.**

(a) **ADDITIONAL ACQUISITIONS.**—

(1) **IN GENERAL.**—The Secretary may acquire land or interests in land depicted on the Map as proposed additions.

(2) **METHOD OF ACQUISITION.**—

(A) **IN GENERAL.**—Land or interests in land may be acquired by—

(i) donation;

(ii) transfer;

(iii) purchase with donated or appropriated funds; or

(iv) exchange.

(B) **CONSENT.**—No land or interest in land may be acquired without the consent of the owner of the land.

(b) **BOUNDARY REVISION.**—After acquiring land for the Park, the Secretary shall—

(1) revise the boundary of the Park to include newly acquired land within the boundary; and

(2) administer newly-acquired land subject to applicable laws (including regulations).

(c) **BOUNDARY SURVEY.**—As soon as practicable and subject to the availability of funds the Secretary shall complete an official boundary survey of the Park.

(d) **HUNTING ON PRIVATELY OWNED LANDS.**—

(1) **IN GENERAL.**—The Secretary may permit hunting on privately owned land added to the Park under this Act, subject to limitations, conditions, or regulations that may be prescribed by the Secretary.

(2) **TERMINATION OF AUTHORITY.**—On the date that the Secretary acquires fee ownership of any privately owned land added to the Park under this Act, the authority under paragraph

(1) shall terminate with respect to the privately owned land acquired.

## **SEC. 6. EXPANSION OF THE BLACK CANYON OF THE GUNNISON WILDERNESS.**

(a) **EXPANSION OF BLACK CANYON OF THE GUNNISON WILDERNESS.**—

The Black Canyon of the Gunnison Wilderness, as established by subsection (b) of the first section of Public Law 94–567 (90 Stat. 2692), is expanded to include the parcel of land depicted on the Map as “Tract A” and consisting of approximately 4,419 acres.

(b) ADMINISTRATION.—The Black Canyon of the Gunnison Wilderness shall be administered as a component of the Park.

## **SEC. 7. ESTABLISHMENT OF THE GUNNISON GORGE NATIONAL CONSERVATION AREA.**

(a) IN GENERAL.—There is established the Gunnison Gorge National Conservation Area, consisting of approximately 57,725 acres as generally depicted on the Map.

(b) MANAGEMENT OF CONSERVATION AREA.—The Secretary, acting through the Director of the Bureau of Land Management, shall manage the Conservation Area to protect the resources of the Conservation Area in accordance with—

(1) this Act;

(2) the Federal Land Policy and Management Act of 1976(43 U.S.C. 1701 et seq.); and

(3) other applicable provisions of law.

(c) WITHDRAWAL.—Subject to valid existing rights, all Federal lands within the Conservation Area are hereby withdrawn from all forms of entry, appropriation or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

(d) HUNTING, TRAPPING, AND FISHING.—

(1) IN GENERAL.—The Secretary shall permit hunting, trapping, and fishing within the Conservation Area in accordance with applicable laws (including regulations) of the United States and the State of Colorado.

(2) EXCEPTION.—The Secretary, after consultation with the Colorado Division of Wildlife, may issue regulations designating zones where and establishing periods when no hunting or trapping shall be permitted for reasons concerning—

(A) public safety;

(B) administration; or

(C) public use and enjoyment.

(e) USE OF MOTORIZED VEHICLES.—In addition to the use of motorized vehicles on established roadways, the use of motorized vehicles in the Conservation Area shall be allowed to the extent the use is compatible with off-highway vehicle designations as described in the management plan in effect on the date of the enactment of this Act.

(f) CONSERVATION AREA MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 4 years after the date of the enactment of this Act, the Secretary shall—

(A) develop a comprehensive plan for the long-range protection and management of the Conservation Area; and

(B) transmit the plan to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Resources of the House of Representatives.

(2) CONTENTS OF PLAN.—The plan—

(A) shall describe the appropriate uses and management of the Conservation Area in accordance with this Act;

- (B) may incorporate appropriate decisions contained in any management or activity plan for the area completed prior to the date of the enactment of this Act;
- (C) may incorporate appropriate wildlife habitat management plans or other plans prepared for the land within or adjacent to the Conservation Area prior to the date of the enactment of this Act;
- (D) shall be prepared in close consultation with appropriate Federal, State, county, and local agencies; and
- (E) may use information developed prior to the date of the enactment of this Act in studies of the land within or adjacent to the Conservation Area.
- (g) **BOUNDARY REVISIONS.**—The Secretary may make revisions to the boundary of the Conservation Area following acquisition of land necessary to accomplish the purposes for which the Conservation Area was designated.

## **SEC. 8. DESIGNATION OF WILDERNESS WITHIN THE CONSERVATION AREA.**

### **(a) GUNNISON GORGE WILDERNESS.—**

(1) **IN GENERAL.**—Within the Conservation Area, there is designated as wilderness, and as a component of the National Wilderness Preservation System, the Gunnison Gorge Wilderness, consisting of approximately 17,700 acres, as generally depicted on the Map.

### **(2) ADMINISTRATION.—**

(A) **WILDERNESS STUDY AREA EXEMPTION.**—The approximately 300-acre portion of the wilderness study area depicted on the Map for release from section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) shall not be subject to section 603(c) of that Act. The portion of the wilderness study area described in subparagraph (A) shall be incorporated into the Conservation Area.

(b) **ADMINISTRATION.**—Subject to valid rights in existence on the date of the enactment of this Act, the wilderness areas designated under this Act shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) **STATE RESPONSIBILITY.**—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act or in the Wilderness Act shall affect the jurisdiction or responsibilities of the State of Colorado with respect to wildlife and fish on the public land located in that State.

(d) **MAPS AND LEGAL DESCRIPTIONS.**—As soon as practicable after the date of the enactment of this section, the Secretary of the Interior shall file a map and a legal description of the Gunnison Gorge Wilderness with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. This map and description shall have the same force and effect as if included in this Act. The Secretary of the Interior may correct clerical and typographical errors in the map and legal description. The map and legal description shall be on file and available in the office of the Director of the Bureau of Land Management (BLM).

## **SEC. 9. WITHDRAWAL.**

Subject to valid existing rights, the Federal lands identified on the Map as “BLM Withdrawal (Tract B)” (comprising approximately 1,154 acres) are hereby withdrawn from all forms of entry, appropriation or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

#### **SEC. 10. WATER RIGHTS.**

(a) EFFECT ON WATER RIGHTS.—Nothing in this Act shall—

(1) constitute an express or implied reservation of water for any purpose; or  
(2) affect any water rights in existence prior to the date of the enactment of this Act, including any water rights held by the United States.

(b) ADDITIONAL WATER RIGHTS.—Any new water right that the Secretary determines is necessary for the purposes of this Act shall be established in accordance with the procedural and substantive requirements of the laws of the State of Colorado.

#### **SEC. 11. STUDY OF LANDS WITHIN AND ADJACENT TO CURECANTI NATIONAL RECREATION AREA.**

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Secretary, acting through the Director of the National Park Service, shall conduct a study concerning land protection and open space within and adjacent to the area administered as the Curecanti National Recreation Area.

(b) PURPOSE OF STUDY.—The study required to be completed under subsection (a) shall—

(1) assess the natural, cultural, recreational and scenic resource value and character of the land within and surrounding the Curecanti National Recreation Area (including open vistas, wildlife habitat, and other public benefits);

(2) identify practicable alternatives that protect the resource value and character of the land within and surrounding the Curecanti National Recreation Area;

(3) recommend a variety of economically feasible and viable tools to achieve the purposes described in paragraphs (1) and (2); and

(4) estimate the costs of implementing the approaches recommended by the study.

(c) SUBMISSION OF REPORT.—Not later than 3 years from the date of the enactment of this Act, the Secretary shall submit a report to Congress that—

(1) contains the findings of the study required by subsection (a);

(2) makes recommendations to Congress with respect to the findings of the study required by subsection (a); and

(3) makes recommendations to Congress regarding action that may be taken with respect to the land described in the report.

(d) ACQUISITION OF ADDITIONAL LAND AND INTERESTS IN LAND.—

(1) IN GENERAL.—Prior to the completion of the study required by subsection (a), the Secretary may acquire certain private land or interests in land as depicted on the Map entitled “Proposed Additions to the Curecanti National Recreation Area”, dated 01/25/99, totaling approximately 1,065 acres and entitled “Hall and Fitti properties”.

(2) METHOD OF ACQUISITION.—

(A) IN GENERAL.—Land or an interest in land under paragraph (1) may be acquired by—

(i) donation;

(ii) purchase with donated or appropriated funds; or

(iii) exchange.

(B) CONSENT.—No land or interest in land may be acquired without the consent of the owner of the land.

(C) BOUNDARY REVISIONS FOLLOWING ACQUISITION.—

Following the acquisition of land under paragraph (1), the Secretary shall—

(i) revise the boundary of the Curecanti National Recreation Area to include newly-acquired land; and

(ii) administer newly-acquired land according to applicable laws (including regulations).

## GUNNISON GORGE NATIONAL CONSERVATION AREA

Public Law 108-78

### **The Black Canyon Of The Gunnison Boundary Revision Act Of 2003.**

To revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the “Black Canyon of the Gunnison Boundary Revision Act of 2003”.

#### **SEC. 2. BLACK CANYON OF THE GUNNISON NATIONAL PARK BOUNDARY REVISION.**

(a) BOUNDARY REVISION.—Section 4(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff–2(a)) is amended—

(1) by striking “There” and inserting “(1) There”; and (2) by adding at the end the following: “(2) The boundary of the Park is revised to include the addition of approximately 2,530 acres, as generally depicted on the map entitled ‘Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications’ and dated April 2, 2003.”

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—On the date of enactment of this Act, the Secretary shall transfer the land under the jurisdiction of the Bureau of Land Management identified as “Tract C” on the map described in subsection (a)(2) to the administrative jurisdiction of the National Park Service for inclusion in the Black Canyon of the Gunnison National Park.

(c) CONFORMING AMENDMENT.—Section 5(a)(1) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff–3(a)(1)) is amended by striking “Map” and inserting “Map or the map described in section 4(a)(2)”.

#### **SEC. 3. GUNNISON GORGE NATIONAL CONSERVATION AREA BOUNDARY REVISION.**

Section 7(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff–5(a)) is amended—

(1) by striking “There” and inserting “(1) There”; and

(2) by adding at the end the following: “(2) The boundary of the Conservation Area is revised to include the addition of approximately 7,100 acres, as generally depicted on the map entitled ‘Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications’, and dated April 2, 2003.”.

#### **SEC. 4. GRAZING PRIVILEGES.**



(a) TRANSFER OF PRIVILEGES.—Section 4(e)(1) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Area Act of 1999 (16 U.S.C. 410fff–2(e)(1)) is amended by adding at the end the following:

“(D) If land within the Park on which the grazing of livestock is authorized under permits or leases under subparagraph (A) is exchanged for private land under section 5(a), the Secretary shall transfer any grazing privileges to the land acquired in the exchange.”.

(b) PRIVILEGES OF CERTAIN PARTNERSHIPS.—Section 4(e)(3) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Area Act of 1999 (16 U.S.C. 410fff–2(e)(3)) is amended—

(1) by striking “and” at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (D);

(3) by inserting after subparagraph (A) the following:

“(B) with respect to the permit or lease issued to LeValley Ranch Ltd., for the lifetime of the last surviving limited partner as of October 21, 1999;

“(C) with respect to the permit or lease issued to Sanburg Herefords, L.L.P., for the lifetime of the last surviving general partner as of October 21, 1999; and”;

(4) in subparagraph (D) (as redesignated by paragraph (2))—

(A) by striking “partnership, corporation, or” each place it appears and inserting “corporation or”; and (B) by striking “subparagraph (A)” and inserting “subparagraphs (A), (B), or (C)”.

## **SEC. 5. ACCESS TO WATER DELIVERY FACILITIES.**

The Commissioner of Reclamation shall retain administrative jurisdiction over the Crystal Dam Access Road and land, facilities, and roads of the Bureau of Reclamation in the East Portal area, including the Gunnison Tunnel, and the Crystal Dam area, as depicted on the map entitled “Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications”, and dated April 2, 2003, for the maintenance, repair, construction, replacement, and operation of any facilities relating to the delivery of water and power under the jurisdiction of the Bureau of Reclamation.

*Speaker of the House of Representatives.*  
*Vice President of the United States and*  
*President of the Senate.*

## **CANYONS OF THE ANCIENTS NATIONAL MONUMENT**

### **Acreage**

- 170,850 acres National Monument at the time of designation
- 4,573 acres were added in 2009 through the Wallace Property acquisition for a total of 175,423 acres

### **Designation Date:**

- June 9, 2000

### **Authority:**

- Antiquities Act of June 8, 1906, 16 USC 431-433.
- Presidential Proclamation 7317, Establishment of the Canyons of the Ancients National Monument

### **Objects and Values for which Area Was Established:**

- Containing the highest known density of archaeological sites in the Nation, the Canyons of the Ancients National Monument holds evidence of cultures and traditions spanning thousands of years. This area, with its intertwined natural and cultural resources, is a rugged landscape, a quality that greatly contributes to the protection of its scientific and historic objects. The monument offers an unparalleled opportunity to observe, study, and experience how cultures lived and adapted over time in the American Southwest. The area includes the archaeological, geological, and biological objects identified in the Proclamation and the Canyons of the Ancients Bibliography. The area of the monument is based on the conservation needs of the objects to be protected. Some of these objects, such as the biological resources, are present throughout the entire monument, while the archaeological resources are in discrete locations throughout the monument. Many objects, particularly the archaeological resources, depend for their scientific value on their location at various sites or elevations.
- 3.6 million total objects housed

### **RMP date:**

- Under development. Final RMP anticipated summer 2010.

## **Presidential Proclamation**

### **BY THE PRESIDENT OF THE UNITED STATES OF AMERICA A PROCLAMATION Proclamation 7317**

By the President of the United States of America  
A Proclamation

Containing the highest known density of archaeological sites in the Nation, the Canyons of the Ancients National Monument holds evidence of cultures and traditions spanning thousands of years. This area, with its intertwined natural and cultural resources, is a rugged landscape, a quality that greatly contributes to the protection of its scientific and historic objects. The monument offers an unparalleled opportunity to observe, study, and experience how cultures lived and adapted over time in the American Southwest.

The complex landscape and remarkable cultural resources of the Canyons of the Ancients National Monument have been a focal point for archaeological interest for over 125 years. Archaeological and historic objects such as cliff dwellings, villages, great kivas, shrines, sacred springs, agricultural fields, check dams, reservoirs, rock art sites, and sweat lodges are spread across the landscape. More than five thousand of these archaeologically important sites have been recorded, and thousands more await documentation and study. The Mockingbird Mesa area has over forty sites per square mile, and several canyons in that area hold more than three hundred sites per square mile.

People have lived and labored to survive among these canyons and mesas for thousands of years, from the earliest known hunters crossing the area 10,000 years ago or more, through Ancestral Puebloan farmers, to the Ute, Navajo, and European settlers whose descendants still call this area home. There is scattered evidence that Paleo-Indians used the region on a sporadic basis for hunting and gathering until around 7500 B.C. During the Archaic period, generally covering the next six thousand years, occupation of the Four Corners area was dominated by hunters and gatherers.

By about 1500 B.C., the more sedentary Basketmakers spread over the landscape. As Ancestral Northern Puebloan people occupied the area around 750 A.D., farming began to blossom, and continued through about 1300 A.D., as the area became part of a much larger prehistoric cultural region that included Mesa Verde to the southeast. Year-round villages were established, originally consisting of pit house dwellings, and later evolving to well-recognized cliff-dwellings. Many archaeologists now believe that throughout this time span, the Ancestral Northern Puebloan people periodically aggregated into larger communities and dispersed into smaller community units. Specifically, during Pueblo I (about 700-900 A.D.) the occupation and site density in the monument area increased. Dwellings tended to be small, with three or four rooms. Then, during Pueblo II (about 900-1150 A.D.), settlements were diminished and

highly dispersed. Late in Pueblo II and in early Pueblo III, around 1150 A.D., the size and number of settlements again increased and residential clustering began. Later pueblos were larger multi-storied masonry dwellings with forty to fifty rooms. For the remainder of Pueblo III (1150-1300 A.D.), major aggregation occurred in the monument, typically at large sites at the heads of canyons. One of these sites includes remains of about 420 rooms, 90 kivas, a great kiva, and a plaza, covering more than ten acres in all. These villages were wrapped around the upper reaches of canyons and spread down onto talus slopes, enclosed year-round springs and reservoirs, and included low, defensive walls. The changes in architecture and site planning reflected a shift from independent households to a more communal lifestyle.

Farming during the Puebloan period was affected by population growth and changing climate and precipitation patterns. As the population grew, the Ancestral Pueblos expanded into increasingly marginal areas. Natural resources were compromised and poor soil and growing conditions made survival increasingly difficult. When dry conditions persisted, Pueblo communities moved to the south, southwest, and southeast, where descendants of these Ancestral Puebloan peoples live today.

Soon after the Ancestral Pueblos left the monument area, the nomadic Ute and Navajo took advantage of the natural diversity found in the variable topography by moving to lower areas, including the monument's mesas and canyons, during the cooler seasons. A small number of forked stick hogans, brush shelters, and wickiups are the most obvious remnants of this period of occupation.

The natural resources and spectacular land forms of the monument help explain why past and present cultures have chosen to live in the area. The geology of the monument evokes the very essence of the American Southwest. Structurally part of the Paradox Basin, from a distance the landscape looks deceptively benign. From the McElmo Dome in the southern part of the monument, the land slopes gently to the north, giving no indication of its true character. Once inside the area, however, the geology becomes more rugged and dissected. Rising sharply to the north of McElmo Creek, the McElmo Dome itself is buttressed by sheer sandstone cliffs, with mesa tops rimmed by caprock, and deeply incised canyons.

The monument is home to a wide variety of wildlife species, including unique herpetological resources. Crucial habitat for the Mesa Verde nightsnake, long-nosed leopard lizard, and twin-spotted spiny lizard can be found within the monument in the area north of Yellow Jacket Canyon. Peregrine falcons have been observed in the area, as have golden eagles, American kestrels, red-tailed hawks, and northern harriers. Game birds like Gambel's quail and mourning dove are found throughout the monument both in dry, upland habitats, and in lush riparian habitat along the canyon bottoms.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest

that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

Whereas it appears that it would be in the public interest to reserve such lands as a national monument to be known as the Canyons of the Ancients National Monument:

Now, Therefore, I, William J. Clinton, President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Canyons of the Ancients National Monument, for the purpose of protecting the objects identified above, all lands and interests in lands owned or controlled by the United States within the boundaries of the area described on the map entitled "Canyons of the Ancients National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 164,000 acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws, including but not limited to withdrawal from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral leasing, other than by exchange that furthers the protective purposes of the monument, and except for oil and gas leasing as prescribed herein.

For the purpose of protecting the objects identified above, the Secretary of the Interior shall prohibit all motorized and mechanized vehicle use off road, except for emergency or authorized administrative purposes.

Lands and interests in lands within the proposed monument not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

Because most of the Federal lands have already been leased for oil and gas, which includes carbon dioxide, and development is already occurring, the monument shall remain open to oil and gas leasing and development; provided, the Secretary of the Interior shall manage the development, subject to valid existing rights, so as not to create any new impacts that interfere with the proper care and management of the objects protected by this proclamation; and provided further, the Secretary may issue new leases only for the purpose of promoting conservation of oil and gas resources in any common reservoir now being produced under existing leases, or to protect against drainage.

The Secretary of the Interior shall prepare a transportation plan that addresses the

actions, including road closures or travel restrictions, necessary to protect the objects identified in this proclamation.

The Secretary of the Interior shall manage the monument through the Bureau of Land Management, pursuant to applicable legal authorities, to implement the purposes of this proclamation.

The establishment of this monument is subject to valid existing rights.

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Colorado with respect to fish and wildlife management.

This proclamation does not reserve water as a matter of Federal law. Nothing in this reservation shall be construed as a relinquishment or reduction of any water use or rights reserved or appropriated by the United States on or before the date of this proclamation. The Bureau of Land Management shall work with appropriate State authorities to ensure that any water resources needed for monument purposes are available.

Nothing in this proclamation shall be deemed to enlarge or diminish the rights of any Indian tribe.

Laws, regulations, and policies followed by the Bureau of Land Management in issuing and administering grazing permits or leases on all lands under its jurisdiction shall continue to apply with regard to the lands in the monument.

Nothing in this proclamation shall be deemed to affect the management of Hovenweep National Monument by the National Park Service (Proclamation 1654 of March 2, 1923, Proclamation 2924 of May 1, 1951, and Proclamation 2998 of November 26, 1952).

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

In Witness Whereof, I have hereunto set my hand this ninth day of June, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fourth.

William J. Clinton

**American Antiquities Act Of 1906**  
16 USC 431-433

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than five hundred dollars or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

Sec. 2. That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with proper care and management of the objects to be protected: Provided, That when such objects are situated upon a tract covered by a bona fied unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

Sec. 3. That permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and War to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulation as they may prescribe: Provided, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums.

Sec. 4. That the Secretaries of the Departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this Act.

Approved, June 8, 1906

## CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL

### Miles

- 1 mile

**Designation Date:** 1978

### Authority:

- Public Law 90-543, The National Trails System Act, October 2, 1968
- Public Law 95-625, The National Parks and Recreation Act of 1978
- *Note: The US Forest Service administers the trail. BLM is trail manager.*

### Objects and Values for which Area Was Established:

- CDNST: The primary purpose of this trail is to provide a continuous, appealing trail route, designed for the hiker and horseman, but compatible with other land uses. . . . One of the primary purposes for establishing the CDNST would be to provide hiking and horseback access to those lands where man's impact on the environment has not been adverse to a substantial degree and where the environment remains relatively unaltered. Therefore, the protection of the land resource must remain a paramount consideration in establishing and managing the trail. There must be sufficient environmental controls to assure that the values for which the trail is established are not jeopardized. . . . The basic goal of the trail is to provide the hiker and rider an entree to the diverse country along the Continental Divide in a manner, which will assure a high quality recreation experience while maintaining a constant respect for the natural environment. . . The Continental Divide Trail would be a simple facility for foot and horseback use in keeping with the National Scenic Trail concept as seen in the Appalachian and Pacific Crest Trails.
- GENERAL: National scenic trails will be extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass. National scenic trails may be located so as to represent desert, marsh, grassland, mountain, canyon, river, forest, and other areas, as well as landforms which exhibit significant characteristics of the physiographic regions of the Nation.

Connecting or side trails, established as provided in section 6 of this Act, which will provide additional points of public access to national recreation, national scenic or national historic trails or which will provide connections between such trails.

### RMP date:

- CDST Comprehensive Management Plan, 1985, amended 2009.



## OLD SPANISH NATIONAL HISTORIC TRAIL

### Miles

- 85 miles, plus dozens of access trails and thousands of acres of viewshed

**Designation Date:** December 2002

### Authority:

- Public Law 90-543, The National Trails System Act, October 2, 1968.
- The Old Spanish National Historic Trail was added to the National Trails System Act in December 2002.
- *Note: BLM shares trail administration authority and responsibility with National Park Service. BLM is also trail manager.*

### Objects and Values for which Area Was Established:

- **OSHT:** Old Spanish Trail Recognition Act of 2002 - Amends the National Trails System Act to designate the Old Spanish National Historic Trail extending from Sante Fe, New Mexico, to Los Angeles, California, including the Armijo Route, Northern Route, North Branch, and Mojave Road (a major trade route between 1829 and 1848) as a National Historic Trail to be administered by the Secretary of the Interior. Prohibits the United States from acquiring for the Trail any land or interest in land outside the exterior boundary of a federally-managed area without the owner's consent. Allows the Secretary to designate additional routes to the Trail if they were: (1) included in the Old Spanish Trail National Historic Trail Feasibility Study but not recommended for designation as a national historic trail; and (2) used for trade and commerce between 1829 and 1848.
- **GENERAL:** National historic trails will be extended trails which follow as closely as possible and practicable the original trails or routes of travel of national historic significance. Designation of such trails or routes shall be continuous, but the established or developed trail, and the acquisition thereof, need not be continuous onsite. National historic trails shall have as their purpose the identification and protection of the historic route and its historic remnants and artifacts for public use and enjoyment. Only those selected land and water based components of a historic trail which are on federally owned lands and which meet the national historic trail criteria established in this Act are included as Federal protection components of a national historic trail. The appropriate Secretary may certify other lands as protected segments of an historic trail upon application from State or local governmental agencies or private interests involved if such segments meet the national historic trail criteria established in this Act and such criteria supplementary thereto as the appropriate Secretary may prescribe, and are administered by such agencies or interests without expense to the United States. Connecting or side trails, established as provided in section 6 of this Act, which will provide additional points of public access to national recreation, national scenic or national historic trails or which will provide connections between such trails.

**RMP date:** OSHT Comprehensive Management Plan under development.

## **WILDERNESS (5 areas with 211,035 total acres in CO)**

There are an additional 8,075 acres in a 6<sup>th</sup> area, Tabeguache and a further 5,120 acres in Utah are not included in this total.

### **Areas**

- **Black Ridge Canyons** (75,550 total acres in Colorado, an additional 5,120 acres are located in Utah)
- **Dominguez Canyon** (66,280 acres)
- **Gunnison Gorge Wilderness** (17,700 acres)
- **Powderhorn Wilderness Area** (48,115 acres)
- **Uncompahgre Wilderness Area** (3,390 acres)
- **Tabeguache Congressionally Designated Management Area** (8,075 acres)

**Designation Date:** Various

### **Authority:**

- For Designated Wilderness
  - Public Law 103-77, Colorado Wilderness Act of 1993
  - Public Law 88-577, The Wilderness Act, September 3, 1964
- For Tabeguache
  - Section 9 of Public Law 103-77, Colorado Wilderness Act of 1993
  - Public Law 88-577, The Wilderness Act, September 3, 1964

### **Objects and Values for which Area Was Established:**

- A **wilderness**, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which
  - 1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable;
  - 2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation;
  - 3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and
  - 4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.
- **Tabeguache Congressionally Designated Management Area** is identified in The Colorado Wilderness Act of 1993, which designated Tabeguache Creek as one of a number of "Areas" in Colorado.

- Under the terms of the Act, the BLM and U.S. Forest Service are directed by Congress to manage the Tabeguache Area to protect its wilderness values. However, it is NOT designated wilderness.
- The Tabeguache Area (17,240 acres) is located on the south slopes of the Uncompahgre Plateau about 4 miles north of Nucla, Colorado, and is jointly managed by BLM and the US Forest Service. Elevations range from 5,600 feet to 8,800 feet, and the central feature of the Tabeguache Area is the 400-800 foot deep canyon of Tabeguache Creek. The predominant vegetation types are pinon-juniper woodland at the lower elevations and ponderosa pine and oakbrush at the higher elevations. Cottonwoods, willows, scattered ponderosa pine and various shrubs form a riparian zone along Tabeguache Creek. Recreational opportunities include hiking, backpacking, horseback riding, fishing, and wildlife viewing.

**RMP dates:**

- **Black Ridge Canyons** is managed under McInnis Canyons NCA.
- **Dominguez Canyon Wilderness** is managed under Dominguez-Escalante NCA.
- **Gunnison Gorge Wilderness** is managed under Gunnison Gorge NCA.
- The **Powderhorn Wilderness** is managed according to the "Powderhorn Wilderness Management Plan/Area Analysis, Implementation Schedule, Environmental Assessment, and Decision Record (October 31, 1995).
- The American Flats Wilderness Area (part of the much larger Uncompahgre Wilderness Area) was managed according to the Gunnison Resource Area Plan (April, 1992). When the area became designated wilderness and the name of the FS area changed from Big Blue Wilderness to **Uncompahgre Wilderness**, a separate plan was not completed for the American Flats area because it was so small. Any future plan for the Uncompahgre Wilderness would be developed in coordination with the USFS. The Gunnison FO will be updating our RMP in 2012 or 2013, and American Flats will be addressed at that time.
- The **Tabeguache Congressionally Designated Management Area** is not addressed in the Uncompahgre Basin Resource Area RMP which dates to when this area was part of the San Miguel Basin Resource Area.

## **Authorizing Legislation:**

### **Public Law 103-77, Colorado Wilderness Act Of 1993.**

One Hundred Third Congress of the United States of America

#### **AT THE FIRST SESSION**

*Begun and held at the City of Washington on Tuesday, the fifth day of January, one thousand nine hundred and ninety-three*

An Act

To designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE AND DEFINITIONS.**

(a) SHORT TITLE.—This Act may be cited as the “Colorado Wilderness Act of 1993”.

(b) DEFINITIONS.—(1) As used in this Act with reference to lands in the National Forest System, the term “the Secretary” means the Secretary of Agriculture.

(2) As used in this Act with respect to lands not in the National Forest System, the term “the Secretary” means the Secretary of the Interior.

#### **SEC. 2. ADDITIONS TO THE WILDERNESS PRESERVATION SYSTEM.**

(a) ADDITIONS.—The following lands in the State of Colorado are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Gunnison Resource Area administered by the Bureau of Land Management which comprise approximately 3,390 acres, as generally depicted on a map entitled “American Flats Additions to the Big Blue Wilderness Proposal (American Flats)”, dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the wilderness area designated by section 102(a)(1) of Public Law 96–560 and renamed Uncompahgre Wilderness by section 3(f) of this Act.

(2) Certain lands in the Gunnison Resource Area administered by the Bureau of Land Management which comprise approximately 815 acres, as generally depicted on a map entitled “Bill Hare Gulch and Larson Creek Additions to the Big Blue Wilderness”, dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the wilderness area designated by section 102(a)(1) of Public Law 96–560 and renamed Uncompahgre Wilderness by section 3(f) of this Act.

(3) Certain lands in the Pike and San Isabel National Forests which comprise approximately 43,410 acres, as generally depicted on a map entitled “Buffalo Peaks Wilderness Proposal”, dated January, 1993, and which shall be known as the Buffalo Peaks Wilderness.

(4) Certain lands in the Gunnison National Forest and in the Powderhorn Primitive Area administered by the Bureau of Land Management which comprise approximately 60,100 acres, as generally depicted on a map entitled “Powderhorn Wilderness Proposal”, dated January, 1993, and which shall be known as the Powderhorn Wilderness.

(5) Certain lands in the Routt National Forest which comprise approximately 20,750 acres, as generally depicted on a map entitled “Davis Peak Additions to Mount Zirkel Wilderness

Proposal”, dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Mount Zirkel Wilderness designated by Public Law 88–555, as amended by Public Law 96–560.

(6) Certain lands in the Gunnison National Forests which comprise approximately 33,060 acres, as generally depicted on a map entitled “Fossil Ridge Wilderness Proposal”, dated January, 1993, and which shall be known as the Fossil Ridge Wilderness.

(7) Certain lands in the San Isabel National Forest which comprise approximately 22,040 acres, as generally depicted on a map entitled “Greenhorn Mountain Wilderness Proposal”, dated January, 1993, and which shall be known as the Greenhorn Mountain Wilderness.

(8) Certain lands within the Pike National Forest which comprise approximately 14,700 acres, as generally depicted on a map entitled “Lost Creek Wilderness Addition Proposal”, dated January, 1993, which are hereby incorporated in and shall be deemed to be a part of the Lost Creek Wilderness designated by Public Law 96–560: *Provided*, That the Secretary is authorized to acquire, only by donation or exchange, various mineral reservations held by the State of Colorado within the boundaries of the Lost Creek Wilderness additions designated by this Act.

(9) Certain lands in the Gunnison National Forests which comprise approximately 5,500 acres, as generally depicted on a map entitled “O-Be-Joyful Addition to the Raggeds Wilderness Proposal”, dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Raggeds Wilderness designated by Public Law 96–560.

(10) Certain lands in the Rio Grande and San Isabel National Forests and lands in the San Luis Resource Area administered by the Bureau of Land Management which comprise approximately 226,455 acres, as generally depicted on four maps entitled “Sangre de Cristo Wilderness Proposal (North Section)”, “Sangre de Cristo Wilderness Proposal (North Middle Section)”, “Sangre de Cristo Wilderness Proposal (South Middle Section)”, and “Sangre de Cristo Wilderness Proposal (South Section)”, all dated January, 1993, and which shall be known as the Sangre de Cristo Wilderness.

(11) Certain lands in the Routt National Forest which comprise approximately 47,140 acres, as generally depicted on a map entitled “Service Creek Wilderness Proposal (Sarvis Creek Wilderness)”, dated January, 1993, and which shall be known as the Sarvis Creek Wilderness.

(12) Certain lands in the San Juan National Forest which comprise approximately 31,100 acres, as generally depicted on two maps, one entitled “South San Juan Wilderness Expansion Proposal, Montezuma Peak” and the other entitled “South San Juan Wilderness Expansion Proposal, V-Rock Trail”, both dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the South San Juan Wilderness designated by Public Law 96–560.

(13) Certain lands in the White River National Forest which comprise approximately 8,330 acres, as generally depicted on a map entitled “Spruce Creek Addition to the Hunter-Fryingpan Wilderness Proposal”, dated January, 1993, and which are hereby incorporated in and shall be deemed to be part of the Hunter-Fryingpan Wilderness designated by Public Law 95–327: *Provided*, That no right, or claim of right, to the diversion and use of waters by the Fryingpan-Arkansas Project shall be prejudiced, expanded, diminished, altered, or affected by this Act, nor shall anything in this Act be construed to expand, abate, impair, impede, limit, interfere with, or prevent the construction, operation, use, maintenance, or repair of the project facilities and diversion systems to their full extent.

(14) Certain lands in the Arapaho National Forest which comprise approximately 8,095 acres, as generally depicted on a map entitled “Byers Peak Wilderness Proposal”, dated January, 1993, and which shall be known as the Byers Peak Wilderness.

(15) Certain lands in the Arapaho National Forest which comprise approximately 12,300 acres, as generally depicted on a map entitled “Vasquez Peak Wilderness Proposal”, dated January, 1993, and which shall be known as the Vasquez Peak Wilderness.

(16) Certain lands in the San Juan National Forest which comprise approximately 28,740 acres, as generally depicted on a map entitled “West Needle Wilderness Proposal and Weminuche Additions”, dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Weminuche Wilderness designated by Public Law 93–632, as amended by Public Law 96–560.

(17) Certain lands in the Rio Grande National Forest which comprise approximately 25,640 acres, as generally depicted on a map entitled “Wheeler Addition to the La Garita Wilderness Proposal”, dated January, 1993, and which shall be incorporated in and shall be deemed to be a part of the La Garita Wilderness designated by Public Law 96–560.

(18) Certain lands in the Arapaho National Forest which comprise approximately 13,175 acres, as generally depicted on a map entitled “Farr Wilderness Proposal”, dated January, 1993, and which shall be known as the Ptarmigan Peak Wilderness.

(19) Certain lands in the Arapaho National Forest which comprise approximately 6,990 acres, as generally depicted on a map entitled “Bowen Gulch Additions to Never Summer Wilderness Proposal”, dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Never Summer Wilderness designated by Public Law 96–560.

(b) MAPS AND DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the appropriate Secretary shall file a map and a boundary description of each area designated as wilderness by this Act with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. Each map and description shall have the same force and effect as if included in this Act, except that the appropriate Secretary is authorized to correct clerical and typographical errors in such boundary descriptions and maps. Such maps and boundary descriptions shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture, and the Office of the Director of the Bureau of Land Management, Department of the Interior, as appropriate.

### **SEC. 3. ADMINISTRATIVE PROVISIONS.**

(a) IN GENERAL.—(1) Subject to valid existing rights, lands designated as wilderness by this Act shall be managed by the Secretary of Agriculture or the Secretary of the Interior, as appropriate, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to any wilderness areas designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(2) Administrative jurisdiction over those lands designated as wilderness pursuant to paragraphs (2) and (10) of section 2(a) of this Act, and which, as of the date of enactment of this Act, are administered by the Bureau of Land Management, is hereby transferred to the Forest Service and such lands are hereby added to the appropriate National Forest.

(b) GRAZING.—Grazing of livestock in wilderness areas designated by this Act shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), as further interpreted by section 108 of Public Law 96–560, and, as regards wilderness managed by the Bureau of Land Management, the guidelines set forth in Appendix A of House Report 101–405 of the 101st Congress.

(c) STATE JURISDICTION.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Colorado with respect to wildlife and fish in Colorado.

(d) CONFORMING AMENDMENT.—Section 2(e) of the Endangered American Wilderness Act of 1978 (92 Stat. 41) is amended by striking “Subject to” and all that follows through “System.”.

(e) BUFFER ZONES.—Congress does not intend that the designation by this Act of wilderness areas in the State of Colorado creates or implies the creation of protective perimeters or buffer zones around any wilderness area. The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(f) WILDERNESS NAME CHANGE.—The wilderness area designated as “Big Blue Wilderness” by section 102(a)(1) of Public Law 96–560, and the additions thereto made by paragraphs (1) and (2) of section 2(a) of this Act, shall hereafter be known as the Uncompahgre Wilderness. Any reference to the Big Blue Wilderness in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Uncompahgre Wilderness.

(g) BOUNDARIES AND AUTHORIZATIONS TO USE LANDS.—(1) For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of affected National Forests, as modified by this section, shall be considered to be the boundaries of such National Forests as of January 1, 1965.

(2) Nothing in this subsection shall affect valid existing rights of any person under the authority of law.

(3) Authorizations to use lands transferred by this section which were issued prior to the date of enactment of this Act shall remain subject to the laws and regulations under which they were issued, to the extent consistent with this Act. Such authorizations shall be administered by the Secretary of Agriculture. Any renewal or extension of such authorizations shall be subject to the laws and regulations pertaining to the Forest Service, Department of Agriculture, and the applicable law, including this Act. The change of administrative jurisdiction resulting from the enactment of this section shall not in itself constitute a basis for denying or approving the renewal or reissuance of any such authorization.

#### **SEC. 4. WILDERNESS RELEASE.**

(a) REPEAL OF WILDERNESS STUDY PROVISIONS.—Sections 105 and 106 of the Act of December 22, 1980 (Public Law 96–560), are hereby repealed.

(b) INITIAL PLANS.—Section 107(b)(2) of the Act of December 22, 1980 (Public Law 96–560), is amended by striking out “except those lands remaining in further planning upon enactment of this Act, areas listed in sections 105 and 106 of this Act, or previously congressionally designated wilderness study areas,”.

#### **SEC. 5. FOSSIL RIDGE RECREATION MANAGEMENT AREA.**

(a) ESTABLISHMENT.—(1) In order to conserve, protect, and enhance the scenic, wildlife, recreational, and other natural resource values of the Fossil Ridge area, there is hereby established the Fossil Ridge Recreation Management Area (hereinafter referred to as the “recreation management area”).

(2) The recreation management area shall consist of certain lands in the Gunnison National Forest, Colorado, which comprise approximately 43,900 acres, as generally depicted as “Area A” on a map entitled “Fossil Ridge Wilderness Proposal”, dated January, 1993.

(b) ADMINISTRATION.—The Secretary of Agriculture shall administer the recreation management area in accordance with this section and the laws and regulations generally applicable to the National Forest System.

(c) WITHDRAWAL.—Subject to valid existing rights, all lands within the recreation management area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from disposition under the mineral and geothermal leasing laws, including all amendments thereto.

(d) TIMBER HARVESTING.—No timber harvesting shall be allowed within the recreation management area except to the extent that would be permitted in wilderness under section 4(d)(1) of the Wilderness Act for necessary control of fire, insects, and diseases, and for public safety.

(e) LIVESTOCK GRAZING.—The designation of the recreation management area shall not be construed to prohibit, or change the administration of, the grazing of livestock within the recreation management area.

(f) DEVELOPMENT.—No developed campgrounds shall be constructed within the recreation management area. After the date of enactment of this Act, no new roads or trails may be constructed within the recreation management area.

(g) OFF-ROAD RECREATION.—Motorized travel shall be permitted within the recreation management area only on those established trails and routes existing as of July 1, 1991, on which such travel was permitted as of such date, except that other trails and routes may be used where necessary for administrative purposes or to respond to an emergency. No later than one year after the date of enactment of this Act, the Secretary shall identify such routes and trails and shall prepare and make available to the public a map showing such routes and trails. Nothing in this subsection shall be construed as precluding the Secretary from closing any trail or route from use for purposes of resource protection or public safety.

## **SEC. 6. BOWEN GULCH PROTECTION AREA.**

(a) ESTABLISHMENT.—(1) There is hereby established in the Arapaho National Forest, Colorado, the Bowen Gulch Protection Area (hereinafter in this Act referred to as the “protection area”).

(2) The protection area shall consist of certain lands in the Arapaho National Forest, Colorado, which comprise approximately 11,600 acres, as generally depicted as “Area A” on a map entitled “Bowen Gulch Additions to Never Summer Wilderness Proposal”, dated January, 1993.

(b) ADMINISTRATION.—The Secretary shall administer the protection area in accordance with this section and the laws and regulations generally applicable to the National Forest System.

(c) WITHDRAWAL.—Subject to valid existing rights, all lands within the protection area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from disposition under the mineral and geothermal leasing laws, including all amendments thereto.

(d) DEVELOPMENT.—No developed campgrounds shall be constructed within the protection area. After the date of enactment of this Act, no new roads or trails may be constructed within the protection area.



(e) **TIMBER HARVESTING.**—No timber harvesting shall be allowed within the protection area except to the extent that would be permitted in wilderness under section 4(d)(1) of the Wilderness Act for necessary control of fire, insects, and diseases, and for public safety.

(f) **MOTORIZED TRAVEL.**—Motorized travel shall be permitted within the protection area only on those designated trails and routes existing as of July 1, 1991, and only during periods of adequate snow cover. At all other times, mechanized, non-motorized travel shall be permitted within the protection area.

(g) **MANAGEMENT PLAN.**—During the revision of the Land and Resource Management Plan for the Arapaho National Forest, the Forest Service shall develop a management plan for the protection area, after providing for public comment.

## **SEC. 7. OTHER LANDS.**

Nothing in this Act shall affect ownership or use of lands or interests therein not owned by the United States or access to such lands available under other applicable law.

## **SEC. 8. WATER.**

(a) **FINDINGS, PURPOSE, AND DEFINITION.**—(1) Congress finds that—

(A) the lands designated as wilderness by this Act are located at the headwaters of the streams and rivers on those lands, with few, if any, actual or proposed water resource facilities located upstream from such lands and few, if any, opportunities for diversion, storage, or other uses of water occurring outside such lands that would adversely affect the wilderness values of such lands; and

(B) the lands designated as wilderness by this Act are not suitable for use for development of new water resource facilities, or for the expansion of existing facilities; and

(C) therefore, it is possible to provide for proper management and protection of the wilderness value of such lands in ways different from those utilized in other legislation designating as wilderness lands not sharing the attributes of the lands designated as wilderness by this Act.

(2) The purpose of this section is to protect the wilderness values of the lands designated as wilderness by this Act by means other than those based on a Federal reserved water right.

(3) As used in this section, the term “water resource facility” means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

(b) **RESTRICTIONS ON RIGHTS AND DISCLAIMER OF EFFECT.**—

(1) Neither the Secretary of Agriculture nor the Secretary of the Interior, nor any other officer, employee, representative, or agent of the United States, nor any other person, shall assert in any court or agency, nor shall any court or agency consider, any claim to or for water or water rights in the State of Colorado, which is based on any construction of any portion of this Act, or the designation of any lands as wilderness by this Act, as constituting an express or implied reservation of water or water rights.

(2)(A) Nothing in this Act shall constitute or be construed to constitute either an express or implied reservation of any water or water rights with respect to the Piedra, Roubideau, and Tabeguache areas identified in section 9 of this Act, or the Bowen Gulch Protection Area or the Fossil Ridge Recreation Management Area identified in sections 5 and 6 of this Act.

(B) Nothing in this Act shall be construed as a creation, recognition, disclaimer, relinquishment, or reduction of any water rights of the United States in the State of Colorado existing before the

date of enactment of this Act, except as provided in subsection (g)(2) of this section.

(C) Except as provided in subsection (g) of this section, nothing in this Act shall be construed as constituting an interpretation of any other Act or any designation made by or pursuant thereto.

(D) Nothing in this section shall be construed as establishing a precedent with regard to any future wilderness designations.

(c) **NEW OR EXPANDED PROJECTS.**—Notwithstanding any other provision of law, on and after the date of enactment of this Act neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the areas described in sections 2, 5, 6, and 9 of this Act or the enlargement of any water resource facility within the areas described in sections 2, 5, 6, and 9 of this Act.

(d) **ACCESS AND OPERATION.**—(1) Subject to the provisions of this subsection (d), the Secretary shall allow reasonable access to water resource facilities in existence on the date of enactment of this Act within the areas described in sections 2, 5, 6, and 9 of this Act, including motorized access where necessary and customarily employed on routes existing as of the date of enactment of this Act.

(2) Existing access routes within such areas customarily employed as of the date of enactment of this Act may be used, maintained, repaired, and replaced to the extent necessary to maintain their present function, design, and serviceable operation, so long as such activities have no increased adverse impacts on the resources and values of the areas described in sections 2, 5, 6, and 9 of this Act than existed as of the date of enactment of this Act.

(3) Subject to the provisions of subsections (c) and (d), the Secretary shall allow water resource facilities existing on the date of enactment of this Act within areas described in sections 2, 5, 6, and 9 of this Act to be used, operated, maintained, repaired, and replaced to the extent necessary for the continued exercise, in accordance with Colorado State law, of vested water rights adjudicated for use in connection with such facilities by a court of competent jurisdiction prior to the date of enactment of this Act:

*Provided*, That the impact of an existing facility on the water resources and values of the area shall not be increased as a result of changes in the adjudicated type of use of such facility as of the date of enactment of this Act.

(4) Water resource facilities, and access routes serving such facilities, existing within the areas described in sections 2, 5, 6, and 9 of this Act on the date of enactment of this Act shall be maintained and repaired when and to the extent necessary to prevent increased adverse impacts on the resources and values of the areas described in sections 2, 5, 6, and 9 of this Act.

(e) **EXISTING PROJECTS.**—Except as provided in subsections (c) and (d) of this section, the provisions of this Act related to the areas described in sections 2, 5, 6, and 9 of this Act, and the inclusion in the National Wilderness Preservation System of the areas described in section 2 of this Act, shall not be construed to affect or limit the use, operation, maintenance, repair, modification, or replacement of water resources facilities in existence on the date of enactment of this Act within the boundaries of the areas described in sections 2, 5, 6, and 9 of this Act.

(f) **MONITORING AND IMPLEMENTATION.**—The Secretaries of Agriculture and the Interior shall monitor the operation of and access to water resource facilities within the areas described in sections 2, 5, 6, and 9 of this Act and take all steps necessary to implement the provisions of this section.

(g) **INTERSTATE COMPACTS AND NORTH PLATTE RIVER.**—(1) Nothing in this Act, and nothing in any previous Act designating any lands as wilderness, shall be construed as limiting,

altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Colorado and other States. Except as expressly provided in this section, nothing in this Act shall affect or limit the development or use by existing and future holders of vested water rights of Colorado's full apportionment of such waters.

(2) Notwithstanding any other provision of law, neither the Secretary of Agriculture nor any other officer, employee, or agent of the United States, or any other person, shall assert in any court or agency of the United States or any other jurisdiction any rights, and no court or agency of the United States shall consider any claim or defense asserted by any person based upon such rights, which may be determined to have been established for waters of the North Platte River for purposes of the Platte River Wilderness Area established by Public Law 98-550, located on the Colorado-Wyoming State boundary, to the extent such rights would limit the use or development of water within Colorado by present and future holders of vested water rights in the North Platte River and its tributaries, to the full extent allowed under interstate compact or United States Supreme Court equitable decree. Any such rights shall be exercised as if junior to, in a manner so as not to prevent, the use or development of Colorado's full entitlement to interstate waters of the North Platte River and its tributaries within Colorado allowed under interstate compact or United States Supreme Court equitable decree.

## **SEC. 9. PIEDRA, ROUBIDEAU, AND TABEGUACHE AREAS.**

(a) AREAS.—The provisions of this section shall apply to the following areas:

(1) Certain lands in the San Juan National Forest, Colorado, comprising approximately 62,550 acres, as generally depicted on the map entitled "Piedra Area" dated January, 1993;

(2) Certain lands in the Uncompahgre National Forest, Colorado, comprising approximately 19,650 acres, as generally depicted on the map entitled "Roubideau Area" dated January, 1993; and

(3) Certain lands in the Uncompahgre National Forest, Colorado, and in the San Juan Resource Area administered by the Bureau of Land Management, comprising approximately 17,240 acres, as generally depicted on the map entitled "Tabeguache Area" dated January, 1993.

(b) MANAGEMENT.—(1) Subject to valid existing rights, the areas described in subsection (a) are withdrawn from all forms of location, leasing, patent, disposition, or disposal under public land, mining, and mineral and geothermal leasing laws of the United States.

(2) The areas described in subsection (a) shall not be subject to any obligation to further study such lands for wilderness designation.

(3) Until Congress determines otherwise, and subject to the provisions of section 8 of this Act, activities within such areas shall be managed by the Secretary of Agriculture and the Secretary of the Interior, as appropriate, so as to maintain the areas' presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

(4) Livestock grazing in such areas shall be permitted and managed to the same extent and in the same manner as of the date of enactment of this Act. Except as provided by this Act, mechanized or motorized travel shall not be permitted in such areas: *Provided*, That the Secretary may permit motorized travel on trail number 535 in the San Juan National Forest during periods of adequate snow cover.

(c) DATA COLLECTION.—The Secretary of Agriculture and the Secretary of the Interior, in consultation with the Colorado Water Conservation Board, shall compile data concerning the

water resources of the areas described in subsection (a) and existing and proposed water resource facilities affecting such values.

#### **SEC. 10. SPANISH PEAKS PLANNING AREA STUDY.**

(a) **REPORT.**—Not later than three years from the date of enactment of this Act, the Secretary shall report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate on the status of private property interests located within the Spanish Peaks planning area of the San Isabel National Forest in Colorado, as generally depicted on a map entitled “Spanish Peaks Further Planning Area Study”, dated January, 1993.

(b) **CONTENTS OF REPORT.**—The report required by this section shall identify the location of all private property situated within the exterior boundaries of the Spanish Peaks planning area; the nature of such property interests; the acreage of such private property interests; and the Secretary’s views on whether the owners of said properties would be willing to enter into either a sale or exchange of these properties at fair market value if such a transaction became available in the near future.

(c) **NO AUTHORIZATION OF EMINENT DOMAIN.**—Nothing contained in this Act authorizes, and nothing in this Act shall be construed to authorize, the acquisition of real property by eminent domain.

(d) **MANAGEMENT.**—Notwithstanding the provisions of section 4(a) of this Act, for a period of three years from the date of enactment of this Act, the Secretary shall manage the Spanish Peaks planning area as provided by section 105(c) of Public Law 96–560.

#### **SEC. 11. PUMPING PLANT NAME CHANGE.**

The facility of the Bureau of Reclamation, Department of the Interior, known as the Granby Pumping Plant of the Colorado Big Thompson Project, in the State of Colorado, shall hereafter be known as the Farr Pumping Plant. Any reference to the Granby Pumping Plant in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Farr Pumping Plant.

*Speaker of the House of Representatives.  
Vice President of the United States and  
President of the Senate.*

## **Wilderness Act**

Public Law 88-577 (16 U.S. C. 1131-1136)

88th Congress, Second Session

September 3, 1964

### **AN ACT**

To establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

### **SHORT TITLE**

Section 1. This Act may be cited as the "Wilderness Act".

### **WILDERNESS SYSTEM ESTABLISHED STATEMENT OF POLICY**

Sec. 2. (a) In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. For this purpose there is hereby established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as "wilderness areas", and these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness; and no Federal lands shall be designated as "wilderness areas" except as provided for in this Act or by a subsequent Act.

(b) The inclusion of an area in the National Wilderness Preservation System notwithstanding, the area shall continue to be managed by the Department and agency having jurisdiction thereover immediately before its inclusion in the National Wilderness Preservation System unless otherwise provided by Act of Congress. No appropriation shall be available for the payment of expenses or salaries for the administration of the National Wilderness Preservation System as a separate unit nor shall any appropriations be available for additional personnel stated as being required solely for the purpose of managing or administering areas solely because they are included within the National Wilderness Preservation System.

## DEFINITION OF WILDERNESS

(c) A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

## NATIONAL WILDERNESS PRESERVATION SYSTEM -- EXTENT OF SYSTEM

Sec. 3. (a) All areas within the national forests classified at least 30 days before September 30, 1964, by the Secretary of Agriculture or the Chief of the Forest Service as "wilderness", "wild", or "canoe" are hereby designated as wilderness areas. The Secretary of Agriculture shall --

(1) Within one year after September 30, 1964, file a map and legal description of each wilderness area with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such descriptions shall have the same force and effect as if included in this Act: Provided, however, That correction of clerical and typographical errors in such legal descriptions and maps may be made.

(2) Maintain, available to the public, records pertaining to said wilderness areas, including maps and legal descriptions, copies of regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications. Maps, legal descriptions, and regulations pertaining to wilderness areas within their respective jurisdictions also shall be available to the public in the offices of regional foresters, national forest supervisors, and forest rangers.

(b) The Secretary of Agriculture shall, within ten years after September 30, 1964, review, as to its suitability or unsuitability for preservation as wilderness, each area in the national forests classified on September 3, 1964, by the Secretary of Agriculture or the Chief of the Forest Service as "primitive" and report his findings to the President. The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation as "wilderness" or other reclassification of each area on which review has been completed, together with maps and a definition of boundaries. Such advice shall be given with respect to not less than one-third of all the areas now classified as "primitive" within three years after September 3, 1964, not less than two-thirds within seven years after September 3, 1964, and the remaining areas within ten years after September 3, 1964. Each recommendation of the

President for designation as "wilderness" shall become effective only if so provided by an Act of Congress. Areas classified as "primitive" on September 3, 1964, shall continue to be administered under the rules and regulations affecting such areas on September 3, 1964, until Congress has determined otherwise. Any such area may be increased in size by the President at the time he submits his recommendation to the Congress by not more than five thousand acres with no more than one thousand two hundred and eighty acres of such increase in any one compact unit; if it is proposed to increase the size of any such area by more than five thousand acres or by more than one thousand two hundred and eighty acres in any one compact unit the increase in size shall not become effective until acted upon by Congress. Nothing herein contained shall limit the President in proposing, as part of his recommendations to Congress, the alteration of existing boundaries of primitive areas or recommending the addition of any contiguous area of national forest lands predominantly of wilderness value. Notwithstanding any other provisions of this Act, the Secretary of Agriculture may complete his review and delete such area as may be necessary, but not to exceed seven thousand acres, from the southern tip of the Gore Range-Eagles Nest Primitive Area, Colorado, if the Secretary determines that such action is in the public interest.

(c) Within ten years after September 3, 1964, the Secretary of the Interior shall review every roadless area of five thousand contiguous acres or more in the national parks, monuments and other units of the national park system and every such area of, and every roadless island within, the national wildlife refuges and game ranges, under his jurisdiction on September 3, 1964, and shall report to the President his recommendation as to the suitability or unsuitability of each such area or island for preservation as wilderness. The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendation with respect to the designation as wilderness of each such area or island on which review has been completed, together with a map thereof and a definition of its boundaries. Such advice shall be given with respect to not less than one-third of the areas and islands to be reviewed under this subsection within three years after September 3, 1964, not less than two-thirds within seven years of September 3, 1964, and the remainder within ten years of September 3, 1964. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress. Nothing contained herein shall, by implication or otherwise, be construed to lessen the present statutory authority of the Secretary of the Interior with respect to the maintenance of roadless areas within units of the national park system.

(d) (1) The Secretary of Agriculture and the Secretary of the Interior shall, prior to submitting any recommendations to the President with respect to the suitability of any area for preservation as wilderness --

(A) give such public notice of the proposed action as they deem appropriate, including publication in the Federal Register and in a newspaper having general circulation in the area or areas in the vicinity of the affected land;

(B) hold a public hearing or hearings at a location or locations convenient to the area affected. The hearings shall be announced through such means as the respective Secretaries involved deem appropriate, including notices in the Federal Register and in newspapers of general circulation in the area: Provided, That if the lands involved are located in more than one State, at least one hearing shall be held in each State in which a portion of the land lies;

(C) at least thirty days before the date of a hearing advise the Governor of each State and the governing board of each county, or in Alaska the borough, in which the lands are located, and Federal departments and agencies concerned, and invite such officials and Federal agencies to submit their views on the proposed action at the hearing or by not later than thirty days following the date of the hearing.

(2) Any views submitted to the appropriate Secretary under the provisions of (1) of this subsection with respect to any area shall be included with any recommendations to the President and to Congress with respect to such area.

(e) Any modification or adjustment of boundaries of any wilderness area shall be recommended by the appropriate Secretary after public notice of such proposal and public hearing or hearings as provided on subsection (d) of this section. The proposed modification or adjustment shall then be recommended with map and description thereof to the President. The President shall advise the United States Senate and the House of Representatives of his recommendations with respect to such modification or adjustment and such recommendations shall become effective only on the same manner as provided for in subsections (b) and (c) of this section.

#### USE OF WILDERNESS AREAS

Sec. 4. (a) The purposes of this Act are hereby declared to be within and supplemental to the purposes for which national forests and units of the national park and national wildlife refuge systems are established and administered and --

(1) Nothing in this Act shall be deemed to be in interference with the purpose for which national forests are established as set forth in the Act of June 4, 1897 (30 Stat. 11), and the Multiple Use Sustained-Yield Act of June 12, 1960 (74 Stat. 215).

(2) Nothing in this Act shall modify the restrictions and provisions of the Shipstead-Nolan Act (Public Law 539, Seventy-first Congress, July 10, 1930; 46 Stat. 1020), the Thye-Blatnik Act (Public Law 733, Eightieth Congress, June 22, 1948; 62 Stat. 568), and the Humphrey-Thye-Blatnik-Andersen Act (Public Law 607, Eighty-fourth Congress, June 22, 1965; 70 Stat. 326), as applying to the Superior National Forest or the regulations of the Secretary of Agriculture.

(3) Nothing in this Act shall modify the statutory authority under which units of the national park system are created. Further, the designation of any area of any park, monument, or other unit of the national park system as a wilderness area pursuant to this Act shall in no manner lower the



standards evolved for the use and preservation of such park, monument, or other unit of the national park system in accordance with the Act of August 25, 1916, the statutory authority under which the area was created, or any other Act of Congress which might pertain to or affect such area, including, but not limited to, the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 432 et seq.); section 3(2) of the Federal Power Act (16 U.S.C. 796 (2) ); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(b) Except as otherwise provided in this Act, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as otherwise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

#### PROHIBITION OF CERTAIN USES

(c) Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

#### SPECIAL PROVISIONS

(d) The following special provisions are hereby made:

(1) Within wilderness areas designated by this Act the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable. In addition, such measures may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.

(2) Nothing in this Act shall prevent within national forest wilderness areas any activity, including prospecting, for the purpose of gathering information about mineral or other resources, if such activity is carried on in a manner compatible with the preservation of the wilderness environment. Furthermore, in accordance with such program as the Secretary of the Interior shall develop and conduct in consultation with the Secretary of Agriculture, such areas shall be surveyed on a planned, recurring basis consistent with the concept of wilderness preservation by the Geological Survey and the Bureau of Mines to determine the mineral values, if any, that may be present; and the results of such surveys shall be made available to the public and submitted to the President and Congress.

(3) Notwithstanding any other provisions of this Act, until midnight December 31, 1983, the United States mining laws and all laws pertaining to mineral leasing shall, to the extent as applicable prior to September 3, 1964, extend to those national forest lands designated by this Act as "wilderness areas"; subject, however, to such reasonable regulations governing ingress and egress as may be prescribed by the Secretary of Agriculture consistent with the use of the land for mineral location and development and exploration, drilling, and production, and use of land for transmission lines, waterlines, telephone lines, or facilities necessary in exploring, drilling, producing, mining, and processing operations, including where essential the use of mechanized ground or air equipment and restoration as near as practicable of the surface of the land disturbed in performing prospecting, location, and , in oil and gas leasing, discovery work, exploration, drilling, and production, as soon as they have served their purpose. Mining locations lying within the boundaries of said wilderness areas shall be held and used solely for mining or processing operations and uses reasonably incident thereto; and hereafter, subject to valid existing rights, all patents issued under the mining laws of the United States affecting national forest lands designated by this Act as wilderness areas shall convey title to the mineral deposits within the claim, together with the right to cut and use so much of the mature timber therefrom as may be needed in the extraction, removal, and beneficiation of the mineral deposits, if needed timber is not otherwise reasonably available, and if the timber is cut under sound principles of forest management as defined by the national forest rules and regulations, but each such patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except as otherwise expressly provided in this Act: Provided, That, unless hereafter specifically authorized, no patent within wilderness areas designated by this Act shall issue after December 31, 1983, except for the valid claims existing on or before December 31, 1983. Mining claims located after September 3, 1964, within the boundaries of wilderness areas designated by this Act shall create no rights in excess of those rights which may be patented under the provisions of this subsection. Mineral leases, permits, and licenses covering lands within national forest wilderness areas designated by this Act shall contain such reasonable stipulations as may be prescribed by the Secretary of Agriculture for the protection of the wilderness character of the land consistent with the use of the land for the purposes for which they are leased, permitted, or licensed. Subject to valid rights then existing, effective January 1, 1984, the minerals in lands designated by this Act as wilderness areas are withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

(4) Within wilderness areas in the national forests designated by this Act, (1) the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting for water resources, the establishment and maintenance of reservoirs, water-conservation works, power projects, transmission lines, and other facilities needed in the public interest, including the road construction and maintenance essential to development and use thereof, upon his determination that such use or uses in the specific area will better serve the

interests of the United States and the people thereof than will its denial; and (2) the grazing of livestock, where established prior to September 3, 1964, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.

(5) Other provisions of this Act to the contrary notwithstanding, the management of the Boundary Waters Canoe Area, formerly designated as the Superior, Little Indian Sioux, and Caribou Roadless Areas, in the Superior National Forest, Minnesota, shall be in accordance with the general purpose of maintaining, without unnecessary restrictions on other uses, including that of timber, the primitive character of the area, particularly in the vicinity of lakes, streams, and portages: Provided, That nothing in this Act shall preclude the continuance within the area of any already established use of motorboats.

(6) Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.

(7) Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(8) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

#### STATE AND PRIVATE LANDS WITHIN WILDERNESS AREAS

Sec. 5. (a) In any case where State-owned or privately owned land is completely surrounded by national forest lands within areas designated by this Act as wilderness, such State or private owner shall be given such rights as may be necessary to assure adequate access to such State-owned or privately owned land by such State or private owner and their successors in interest, or the State-owned land or privately owned land shall be exchanged for federally owned land in the same State of approximately equal value under authorities available to the Secretary of Agriculture: Provided, however, That the United States shall not transfer to a state or private owner any mineral interests unless the State or private owner relinquishes or causes to be relinquished to the United States the mineral interest in the surrounded land.

(b) In any case where valid mining claims or other valid occupancies are wholly within a designated national forest wilderness area, the Secretary of Agriculture shall, by reasonable regulations consistent with the preservation of the area as wilderness, permit ingress and egress to such surrounded areas by means which have been or are being customarily enjoyed with respect to other such areas similarly situated.

(c) Subject to the appropriation of funds by Congress, the Secretary of Agriculture is authorized to acquire privately owned land within the perimeter of any area designated by this Act as

wilderness if (1) the owner concurs in such acquisition or (2) the acquisition is specifically authorized by Congress.

#### GIFTS, BEQUESTS, AND CONTRIBUTIONS

Sec. 6. (a) The Secretary of Agriculture may accept gifts or bequests of land within wilderness areas designated by this Act for preservation as wilderness. The Secretary of Agriculture may also accept gifts or bequests of land adjacent to wilderness areas designated by this Act for preservation as wilderness if he has given sixty days advance notice thereof to the President of the Senate and the Speaker of the House of Representatives. Land accepted by the Secretary of Agriculture under this section shall become part of the wilderness area involved. Regulations with regard to any such land may be in accordance with such agreements, consistent with the policy of this Act, as are made at the time of such gift, or such conditions, consistent with such policy, as may be included in, and accepted with, such bequest.

(b) The Secretary of Agriculture or the Secretary of the Interior is authorized to accept private contributions and gifts to be used to further the purpose of this Act.

#### ANNUAL REPORTS

Sec. 7. At the opening of each session of Congress, the Secretaries of Agriculture and Interior shall jointly report to the President for transmission to Congress on the status of the wilderness system, including a list and descriptions of the areas in the system, regulations in effect, and other pertinent information, together with any recommendations they may care to make.

Approved September 3, 1964.

## **WILDERNESS STUDY AREAS (55 areas, more than 548,000 acres)**

### **Date of Agency Recommendation as suitable/non-suitable for designation:**

- October 1991

### **Authority:**

- Federal Land and Policy Management Act, 1976

### **Objects and Values for which Area Was Established**

- Wilderness characteristics include (1) naturalness; (2) outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.
- BLM Colorado manages 55 wilderness study areas with more than 548,000 total acres.
- Colorado's "*Letter to Congressional Leaders Transmitting proposed Legislation on Colorado Public Lands Wilderness of January 7, 1993*" is located on the BLM sharepoint site at [http://teamspace/sites-wo/wo170nlc/NLCS/wilderness\\_program\\_resources/Shared%20Documents/Wilderness\\_Reporting\\_Packages/coloradoreportingpackage1-7-93.pdf](http://teamspace/sites-wo/wo170nlc/NLCS/wilderness_program_resources/Shared%20Documents/Wilderness_Reporting_Packages/coloradoreportingpackage1-7-93.pdf)

(Note: "Lands with wilderness characteristics" identified through maintenance of the existing wilderness resource inventory are identified through Resource Management Plan (RMP) revisions and are not included here. At this time, these lands are not considered to be part of the NLCS.)

**TABLE 1. Colorado Wilderness Study Areas Detailed List (Reported December, 2009)**

Table 1 lists the WSAs BLM Colorado has reported to the Washington Office for inclusion in the Public Lands Statistics for the past several years. Recently, after reviewing the list, BLM Colorado identified several changes and updates that need to be reported. These changes are included in Table 2.

	<b>WSA NAME</b>	<b>BLM WILDERNESS REPORT ACREAGE</b>	<b>FIELD OFFICE</b>
1	ADOBE BADLANDS	10,425	Uncompahgre
2	AMERICAN FLATS	3,306	Gunnison
3	ANT HILLS	4,354	Little Snake
4	BEAVER CREEK	26,150	Royal Gorge
5	BILL HARE GULCH	76	Gunnison
6	BLACK CANYON	1,200	Saguache
7	BLACK MOUNTAIN	9,932	White River
8	BROWNS CANYON	6,614	Royal Gorge
9	BULL CANYON	11,777	White River
10	BULL GULCH	15,000	Glenwood Springs
11	CAHONE CANYON	8,960	CANM
12	CAMEL BACK	10,668	Uncompahgre
13	CASTLE PEAK	11,940	Glenwood Springs
14	CHEW WINTER CAMP	1,320	Little Snake
15	CROSS CANYON	11,580	CANM
16	CROSS MOUNTAIN	14,081	Little Snake
17	DEMAREE CANYON	21,050	Grand Junction
18	DIAMOND BREAKS	31,480	Little Snake
19	DOLORES RIVER CANYON	28,668	Uncompahgre / Dolores
20	DOMINGUEZ CANYON	2,174	Grand Junction
21	EAGLE MOUNTAIN	330	Glenwood Springs
22	HACK LAKE	10	Glenwood Springs
23	HANDIES PEAK	16,664	Gunnison/Columbine
24	HIGH MESA GRASSLAND	680	Royal Gorge
25	LITTLE BOOK CLIFFS	26,525	Grand Junction
26	LOWER GRAPE CREEK	11,220	Royal Gorge
27	MCINTYRE HILLS	16,650	Royal Gorge
28	MCKENNA PEAK	19,398	Dolores
29	MENEFEE MOUNTAIN	7,089	Dolores
30	NEEDLE ROCK	80	Uncompahgre
31	NORTH SAND HILLS	791	Kremmling
32	OIL SPRING MOUNTAIN	17,740	White River
33	PAPA KEAL	400	La Jara
34	PETERSON DRAW	5,160	Little Snake
35	PLATTE RIVER CONTIGUOUS	30	Kremmling

36	POWDERHORN	7,022	Gunnison
37	RARE LIZARD AND SNAKE	443	CANM
38	REDCLOUD PEAK	36,722	Gunnison
39	SAN LUIS HILLS	10,240	La Jara
40	SEWEMUP MESA	19,140	Grand Junction/ Uncompahgre
41	SKULL CREEK	13,740	White River
42	SOUTH PINEY CREEK	10	Saguache
43	SQUAW/PAPOOSE CANYON	4,611	CANM
44	THE PALISADE	26,050	Grand Junction
45	TROUBLESOME	8,250	Kremmling
46	UPPER GRAPE CREEK	10,200	Royal Gorge
47	VALE OF TEARS	7,420	Little Snake
48	WEBER MOUNTAIN	6,303	Dolores
49	WEMINUCHE CONTIGUOUS	1,840	Columbine
50	WEST COLD SPRING	14,482	Little Snake
51	WEST NEEDLES CREEK CONTIGUOUS	1,240	Columbine
52	WHITEHEAD GULCH	1,500	Columbine
53	WILLOW CREEK	13,368	White River
54	WINDY GULCH	12,274	White River
		548,377	

**TABLE 2. Colorado Wilderness Study Areas Detailed List (Revised May, 2010)**

Significant changes from Table 1 are in **BOLD RED**.

Count	WILDERNESS STUDY AREA (WSA)	BLM WILDERNESS REPORT ACREAGE	Balance of Acres Recommended for Wilderness	Balance of Acres Recommended for Non-Wilderness	WSA ID Number, Authority, and Date	BLM FIELD OFFICE
1	ADOBE BADLANDS	10,425	0	10,425	CO-030-370B, FLPMA §603	Uncompahgre
2	AMERICAN FLATS <sup>1</sup>	3,306		3,306	CO-030-217, FLPMA §603	Gunnison
3	ANT HILLS	4,354	0	4,354	CO-010-224, FLPMA §603	Little Snake
4	BEAVER CREEK	26,150	20,750	5,400	CO-50-016, FLPMA §603	Royal Gorge
5	BILL HARE GULCH <sup>2</sup> <b>(UNRELEASED LANDS)</b>	76	0	406	CO-030-085, FLPMA §603	Gunnison
6	BLACK CANYON <sup>3</sup> <b>(UNRELEASED LANDS)</b>	1,200	Analyzed by USFS	NA	CO-050-131, FLPMA §603	Saguache

<sup>1</sup> 1,494 acres were designated as wilderness in 1993 and included in the Uncompahgre Wilderness portion managed by the USFS as part of the Colorado Wilderness Bill signed in August 1993.

<sup>2</sup> 815 acres of Bill Hare Gulch and Larson Creek WSAs were designated as wilderness in 1993 and transferred to the USFS as part of the Uncompahgre Wilderness under the Colorado Wilderness Bill signed in August 1993. Release language does not appear to have been included in the legislation for the remaining acreage. BLM COSO needs a report from the Field Office on the disposition or status of this unit.

<sup>3</sup> The official copy of the exterior boundary for the *Sangre de Cristo Wilderness* contains both a narrative and mapped description of the Wilderness. BLM and Forest Service research indicates Black Canyon, Papa Keal, and South Piney WSAs were included in the Sangre de Cristo Wilderness designation in 1993;



Count	WILDERNESS STUDY AREA (WSA)	BLM WILDERNESS REPORT ACREAGE	Balance of Acres Recommended for Wilderness	Balance of Acres Recommended for Non-Wilderness	WSA ID Number, Authority, and Date	BLM FIELD OFFICE
7	BLACK MOUNTAIN	9,932	0	9,932	CO-010-007A, FLPMA §603	White River
8	<b>BLACK RIDGE CANYONS (UNRELEASED LANDS)<sup>4</sup></b>	<b>None Included; however there <u>ARE</u> unreleased lands in the floodplain.</b>	Undetermined	Undetermined	CO-070-113, FLPMA §603	Grand Junction
9	<b>BLACK RIDGE CANYONS WEST (UNRELEASED LANDS)<sup>5</sup></b>	<b>None Included; however there <u>ARE</u> unreleased lands in the floodplain.</b>	Undetermined	Undetermined	CO-070-113A/UT-060-116/7 with 5,200 adjoining acres in UT, FLPMA §603	Grand Junction
10	BROWNS CANYON	6,614	6,614	0	CO-050-002, FLPMA §603	Royal Gorge

therefore these WSAs will likely be removed from this list following a final analysis of the official map. However, until final documentation is located, these areas will remain in our list. A PORTION OF THE WSA WAS NOT INCLUDED IN THE SANGRE DE CRISTO.

<sup>4</sup> The original 2,300 acre WSA adjoined the Sangre De Cristo WSA managed by USFS. BLM is researching the question of whether the area is included in the 1993 Sangre De Cristo Wilderness designation.

<sup>5</sup> The original 2,300 acre WSA adjoined the Sangre De Cristo WSA managed by USFS. BLM is researching the question of whether the area is included in the 1993 Sangre De Cristo Wilderness designation.

Count	WILDERNESS STUDY AREA (WSA)	BLM WILDERNESS REPORT ACREAGE	Balance of Acres Recommended for Wilderness	Balance of Acres Recommended for Non-Wilderness	WSA ID Number, Authority, and Date	BLM FIELD OFFICE
11	BULL CANYON <sup>6</sup>	11,777	13,080	107	CO-010-001/UT-080-419 (620 adjoining acres in UT) , FLPMA §603	White River
12	BULL GULCH	15,000	10,414	4,586	CO-070-430, FLPMA §603	Glenwood Springs
13	CAHONE CANYON	8,960	0	8,960	CO-030-265D, FLPMA §603	Canyons of the Ancients National Monument
14	CAMEL BACK <sup>7</sup>	10,668	0	10,402	CO-030-353, FLPMA §603	Uncompahgre
15	CASTLE PEAK	11,940	0	11,940	CO-070-433, FLPMA §603	Glenwood Springs
16	CHEW WINTER CAMP	1,320	0	1,320	CO-010-224A, FLPMA §603	Little Snake
17	CROSS CANYON	11,580	0	11,580	CO-030-265/UT-060-229 with 1,008 adjoining acres in UT, FLPMA §603	Canyons of the Ancients National Monument
18	CROSS MOUNTAIN	14,081	14,081	0	CO-010-230, FLPMA §603	Little Snake
19	DEMAREE CANYON	21,050	0	21,050	CO-070-009, FLPMA §603	Grand Junction

<sup>6</sup> Acreage is inconsistent; the Field Office needs to provide an update clarifying disposition of these lands.

<sup>7</sup> Acreage is inconsistent; the Field Office needs to provide an update clarifying disposition of these lands.

Count	WILDERNESS STUDY AREA (WSA)	BLM WILDERNESS REPORT ACREAGE	Balance of Acres Recommended for Wilderness	Balance of Acres Recommended for Non-Wilderness	WSA ID Number, Authority, and Date	BLM FIELD OFFICE
20	DIAMOND BREAKS <sup>8</sup>	31,480	32,620	60	CO-010-214/UT-080-113 with 3,900 adjoining acres in UT, FLPMA §603	Little Snake
21	DOLORES RIVER CANYON <sup>9</sup>	28,668	29,415	200	CO-030-290, FLPMA §603	Uncompahgre & Dolores
22	DOMINGUEZ CANYON (UNRELEASED LANDS) <sup>10</sup>	2,174			CO-070-150/030-363, FLPMA §603	Grand Junction
23	EAGLE MOUNTAIN	330	330	0	CO-070-392, FLPMA §603	Glenwood Springs
24	HACK LAKE	10	10	0	CO-070-425, FLPMA §603	Glenwood Springs
25	HANDIES PEAK	16,664	0	16,664	CO-030-241, FLPMA §603	Gunnison & Columbine
26	HIGH MESA GRASSLAND ISA <sup>11</sup>	680	0	680	CO-ISA-001, FLPMA §202	Royal Gorge

<sup>8</sup> Acreage is inconsistent; the Field Office needs to provide an update clarifying disposition of these lands

<sup>9</sup> Acreage is inconsistent; the Field Office needs to provide an update clarifying disposition of these lands

<sup>10</sup> When *Dominguez Canyon Wilderness* was designated in 2009, legislation did not contain release language for over 2,000 acres of the Dominguez canyon Wilderness Study Area within the Dominguez-Escalante National Conservation Area and adjacent to the Dominguez Canyon Wilderness. Therefore, this area is still managed as a Wilderness Study Area.

<sup>11</sup> An ISA is an Instant Study Area. These Wilderness Study Areas were created under the Federal Lands Policy Management Act (FLPMA) which directed the BLM to identify and study for wilderness characteristics, those areas formally identified as natural or primitive areas prior to November 1, 1975. BLM manages four ISAs in Colorado. These are High Mesa Grassland, Needle Rock, North Sand Hills, and Rare Lizard and Snake WSAs.

Count	WILDERNESS STUDY AREA (WSA)	BLM WILDERNESS REPORT ACREAGE	Balance of Acres Recommended for Wilderness	Balance of Acres Recommended for Non-Wilderness	WSA ID Number, Authority, and Date	BLM FIELD OFFICE
27	LITTLE BOOK CLIFFS	26,525	0	26,525	CO-070-066, FLPMA §603	Grand Junction
28	LOWER GRAPE CREEK	11,220	0	11,220	CO-050-002, FLPMA §603	Royal Gorge
29	MCINTYRE HILLS	16,650	0	16,650	CO-050-013, FLPMA §603	Royal Gorge
30	MCKENNA PEAK	19,398	0	19,398	CO-030-286, FLPMA §603	Dolores
31	MENEFEE MOUNTAIN	7,089	0	7,089	CO-030-251, FLPMA §603	Dolores
32	NEEDLE ROCK <b>ISA</b>	80	0	80	CO-ISA-003, FLPMA §202	Uncompahgre
33	NORTH SAND HILLS <b>NATURAL AREA ISA</b>	791	0	791	CO-ISA-002, FLPMA §202	Kremmling
34	OIL SPRING MOUNTAIN	17,740	0	17,740	CO-010-046, FLPMA §603	White River
<b>NA</b>	<b>PAPA KEAL<sup>12</sup></b>	<b>0</b>	Analyzed by USFS	NA	CO-050-137, FLPMA §603	La Jara
35	PETERSON DRAW	5,160	0	5,160	CO-010-226, FLPMA §603	Little Snake
36	PLATTE RIVER CONTIGUOUS	30	30	0	CO-010-104, FLPMA §603	Kremmling

<sup>12</sup> The original 1,020 acre WSA adjoined the Sangre De Cristo WSA managed by USFS. BLM is researching the question of whether the area is included in the 1993 Sangre De Cristo Wilderness designation. WHOLELY WITHIN SANGRE DE CRISTO; THE REPORTED 400 ACRE WSA NO LONGER EXISTS.

Count	WILDERNESS STUDY AREA (WSA)	BLM WILDERNESS REPORT ACREAGE	Balance of Acres Recommended for Wilderness	Balance of Acres Recommended for Non-Wilderness	WSA ID Number, Authority, and Date	BLM FIELD OFFICE
37	POWDERHORN <b>ISA, (UNRELEASED LANDS)</b>	7,022	0	7,022	CO-ISA-005, FLPMA §202	Gunnison
38	RARE LIZARD AND SNAKE <b>ISA</b>	443	0	443	CO-ISA-004, FLPMA §202	Canyons of the Ancients National Monument
39	REDCLOUD PEAK	36,722	0	36,722	CO-030-208, FLPMA §603	Gunnison
40	SAN LUIS HILLS	10,240	0	10,240	CO-050-135, FLPMA §603	La Jara
41	SEWEMUP MESA	19,140	18,835	305	CO-070-176/030-310A, FLPMA §603	Grand Junction & Uncompahgre
42	SKULL CREEK <sup>13</sup>	13,740	14,050	0	CO-010-003, FLPMA §603	White River
<b>NA</b>	<b>SOUTH PINEY CREEK<sup>14</sup></b>	<b>0</b>	Analyzed by USFS	NA	CO-050-132B, FLPMA §603	Saguache
43	SQUAW/PAPOOSE CANYONS	4,611	0	4,611	CO-030-265A/UT-060-229, FLPMA §603	Canyons of the Ancients National Monument
44	THE PALISADE	26,050	0	26,050	CO-070-132, FLPMA §603	Grand Junction
45	TROUBLESOME	8,250	0	8,250	CO-010-155, FLPMA §603	Kremmling

<sup>13</sup> Acreage is inconsistent; the Field Office needs to provide an update clarifying disposition of these lands

<sup>14</sup> The original 870 acre WSA adjoined the Sangre De Cristo WSA managed by USFS. BLM is researching the question of whether the area is included in the 1993 Sangre De Cristo Wilderness designation. WHOLELY WITHIN SANGRE DE CRISTO, THE REPORTED 10 ACRE WSA NO LONGER EXISTS.

Count	WILDERNESS STUDY AREA (WSA)	BLM WILDERNESS REPORT ACREAGE	Balance of Acres Recommended for Wilderness	Balance of Acres Recommended for Non-Wilderness	WSA ID Number, Authority, and Date	BLM FIELD OFFICE
46	UPPER GRAPE CREEK	10,200	0	10,200	CO-050-017, FLPMA §603	Royal Gorge
47	VALE OF TEARS	7,420	0	7,420	CO-010-229D, FLPMA §603	Little Snake
48	WEBER MOUNTAIN	6,303	0	6,303	CO-030-252, FLPMA §603	Dolores
49	WEMINU CHE CONTIGUOUS <sup>15</sup>	1,840	Analyzed by USFS	1,533	CO-030-238B, FLPMA §603	Columbine
50	WEST COLD SPRING	14,482	0	14,482	CO-010-208/UT-080-103 with 3,200 adjoining acres in UT, FLPMA §603	Little Snake
51	WEST NEEDLES CREEK CONTIGUOUS	1,240	Analyzed by USFS	1,240	CO-030-229A, FLPMA §603	Columbine
52	WHITEHEAD GULCH <sup>16</sup>	1,500	Analyzed by USFS	1,669	CO-030-230B, FLPMA §603	Columbine
53	WILLOW CREEK <sup>17</sup> (UNRELEASED LANDS)	13,368	13,503	0	CO-010-12, FLPMA §603	White River
54	WINDY GULCH	12,274	0	12,274	CO-010-007C, FLPMA §603	White River

<sup>15</sup> Acreage is inconsistent; the Field Office needs to provide an update clarifying disposition of these lands

<sup>16</sup> Acreage is inconsistent; the Field Office needs to provide an update clarifying disposition of these lands

<sup>17</sup> Acreage is inconsistent; the Field Office needs to provide an update clarifying disposition of these lands

Count	WILDERNESS STUDY AREA (WSA)	BLM WILDERNESS REPORT ACREAGE	Balance of Acres Recommended for Wilderness	Balance of Acres Recommended for Non-Wilderness	WSA ID Number, Authority, and Date	BLM FIELD OFFICE
55	<b>ZAPATA CREEK<sup>18</sup></b> <b>(UNRELEASED LANDS)</b>	<b>720</b>	Analyzed by USFS	NA	CO-050-139B, FLPMA §603	Royal Gorge
55	<b>TOTAL<sup>19</sup></b>	<b>548,687</b>	<b>173,372</b>	<b>374,789</b>		<b>10 Field Offices</b>

- BLM Colorado manages 18 WSAs under 5,000 acres.
- Final recommendations for designation were made in January, 1993.
- Areas that have been released from WSA status in Colorado:
  - **Tepee Draw**, 5,490 acres, CO-010-228 was released via the Little Snake RMP and Record of Decision of June, 1989, which is located at [http://www.blm.gov/style/medialib/blm/co/programs/land\\_use\\_planning/rmp/archives/little\\_snake/rmp\\_rod\\_1989.Par.48402.File.dat/Lsrr.pdf](http://www.blm.gov/style/medialib/blm/co/programs/land_use_planning/rmp/archives/little_snake/rmp_rod_1989.Par.48402.File.dat/Lsrr.pdf). The ROD states: "Tepee Draw, the fifth WSA evaluated under Section 202 of FLPMA, is dropped from further consideration and will be managed as the Douglas Mountain Management Unit... Except for the Tepee Draw WSA, WSAs would continue to be managed in compliance with BLM's Interim Management Policy (BLM, Revised November 10, 1987) until they were reviewed and acted upon by Congress."
  - **Sand Castle**, 1,284 acres, CO-050-135, transferred in whole to National Park Service in creation of The Great Sand Dunes National Preserve via the Great Sand Dunes National Park and Preserve Act of 2000 at <http://www.wilderness.net/NWPS/documents/publiclaws/PDF/106-530.pdf> under Section 4.e.2.
  - **Hack Lake**, 3,350 acres, CO-070-425, released via the Glenwood Springs RMP and ROD in 1984, which is located at [http://www.blm.gov/style/medialib/blm/co/programs/land\\_use\\_planning/rmp/archives/glenwood\\_springs/rmp\\_rod\\_1984.Par.57173.File.dat/GSROD.pdf](http://www.blm.gov/style/medialib/blm/co/programs/land_use_planning/rmp/archives/glenwood_springs/rmp_rod_1984.Par.57173.File.dat/GSROD.pdf). The ROD states: "Recommend 330 acres in Eagle Mountain WSA and 10 acres in Hack Lake WSA as preliminarily suitable for wilderness designation (under Section 202 of FLPMA) pending mineral survey... Release 3,350 acres of Hack Lake WSA from further wilderness consideration."

<sup>18</sup> The original 720 acre WSA adjoined the Sangre De Cristo WSA managed by USFS. BLM is researching the question of whether the area is included in the 1993 Sangre De Cristo Wilderness designation.

<sup>19</sup> There is a 166 acre discrepancy in the total acreage reported from the sum of acreage recommended for wilderness and non-wilderness.

- **Larson Creek**, 902 acres, C)-030-085, 480 acres became part of the Uncompahgre Wilderness in 1993; on February 7, 2000, BLM patented approximately 494 acres within what appeared to be part of the Larson Creek WSA as part of a land exchange. The lands were conveyed subject to a conservation easement, which is owned by the US Government and administered by BLM. The EA for the land exchange states: *"The two parcels of selected public land west of Highway 149 are part of the Larson Creek Wilderness Study Area. The remaining portion of the WSA was designated as Wilderness in the 1993 Colorado Wilderness Act. The lands included in the exchange proposal were not designated nor were they released by the Congress in that Act. Public Law 105-74 of November 12, 1998, directs the Secretary of the Interior to exchange these lands as part of this proposed action. Lake City Ranches [party to the exchange] is required by the same legislation to place a conservation easement on these lands to protect them from development. Wilderness advocacy groups and local government agreed that given this constraint the exchange of these lands for inholdings in other WSAs and along the Alpine Loop was in the public interest and supported the legislation."* The BLM lands were exchanged for approximately 323 acres, of which 25.595 acres are within the Redcloud Peak WSA; the remainder are along the Alpine Loop.
- **Slumgullion Slide**, 1,640 acres, CO-030-211, **Sparling Gulch**, 1,120 acres, CO-030-088, and **Friends Creek**, 760 acres, CO-030-213 were released when the Forest Service released the contiguous portions of the Cannibal Plateau Study Area (September 29, 1983 at [http://www.fs.fed.us/r2/gmug/policy/plan\\_rev/current\\_plan/515.pdf](http://www.fs.fed.us/r2/gmug/policy/plan_rev/current_plan/515.pdf)), which states *"--Recommend 13,599 acres of Cannibal Plateau FPA suitable for inclusion in the National Wilderness Preservation System. This could increase the total wilderness acres on the Forest to 515,376 acres, 17 percent of the total Forest area. The remaining 18,391 acres are allocated to non-wilderness uses. The recommendation of suitable and decision to allocate to non-wilderness use is based on the suitability analysis and disclosure of effects documented in the Final EIS. (See index in Appendix I, Final EIS for location of information.) The 13,599 acre suitable area is capable, available, and needed for wilderness based on the analysis in Chapter IV of the Final EIS. The major considerations in recommending the 13,599 acre portion suitable is the need to complement and reduce conflicts with the recommended Powderhorn Wilderness. The remaining 18,391 acres is not needed to complement the recommended Powderhorn Wilderness and is needed to maintain the existing special uses and potential for motorized recreation (snowmobiling)."*



## Agency Authorization

### Federal Land and Policy Management Act

#### BUREAU OF LAND MANAGEMENT WILDERNESS STUDY

Sec. 603. [43 U.S.C. 1782] (a) Within fifteen years after the date of approval of this Act, the Secretary shall review those roadless areas of five thousand acres or more and roadless islands of the public lands, identified during the inventory required by section 201(a) of this Act as having wilderness characteristics described in the Wilderness Act of September 3, 1964 (78 Stat. 890; 16 U.S.C. 1131 et seq.) and shall from time to time report to the President his recommendation as to the suitability or unsuitability of each such area or island for preservation as wilderness: *Provided*, That prior to any recommendations for the designation of an area as wilderness the Secretary shall cause mineral surveys to be conducted by the *United States* Geological Survey [P.L. 102-154, 1991] and the *United States* Bureau of Mines [P.L. 102-285, 1992] to determine the mineral values, if any, that may be present in such areas: *Provided further*, That the Secretary shall report to the President by July 1, 1980, his recommendations on those areas which the Secretary has prior to November 1, 1975, formally identified as natural or primitive areas. The review required by this subsection shall be conducted in accordance with the procedure specified in section 3(d) of the Wilderness Act.

(b) The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendations with respect to designation as wilderness of each such area, together with a map thereof and a definition of its boundaries. Such advice by the President shall be given within two years of the receipt of each report from the Secretary. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress.

(c) During the period of review of such areas and until Congress has determined otherwise, the Secretary shall continue to manage such lands according to his authority under this Act and other applicable law in a manner so as not to impair the suitability of such areas for preservation as wilderness, subject, however, to the continuation of existing mining and grazing uses and mineral leasing in the manner and degree in which the same was being conducted on October 21, 1976: *Provided*, That, in managing the public lands the Secretary shall by regulation or otherwise take any action required to prevent unnecessary or undue degradation of the lands and their resources or to afford environmental protection. Unless previously withdrawn from appropriation under the mining laws, such lands shall continue to be subject to such appropriation during the period of review unless withdrawn by the Secretary under the procedures of section 204 of this Act for reasons other than preservation of their wilderness character.

Once an area has been designated for preservation as wilderness, the provisions of the Wilderness Act [16 U.S.C. 1131 et seq.] which apply to national forest wilderness areas shall apply with respect to the administration and use of such designated area, including mineral surveys required by section 4(d) (2) of the Wilderness Act, [16 U.S.C. 1133(d)(2)] and mineral development, access, exchange of lands, and ingress and egress for mining claimants and occupants.

## NATIONAL LANDSCAPE CONSERVATION SYSTEM (NLCS)

### Website

- **National** – [http://www.blm.gov/wo/st/en/prog/blm\\_special\\_areas/NLCS.html](http://www.blm.gov/wo/st/en/prog/blm_special_areas/NLCS.html)
- **Colorado** – [http://www.blm.gov/co/st/en/BLM\\_Programs/special\\_areas.html](http://www.blm.gov/co/st/en/BLM_Programs/special_areas.html)

### Standard NLCS Reference Language for BLM Colorado

- The mission of the National Landscape Conservation System (NLCS) is to conserve, protect, and restore nationally significant landscapes recognized for their outstanding cultural, ecological, and scientific values.
- The BLM's National Landscape Conservation System (NLCS) contains some of the West's most spectacular landscapes. Nationally, the NLCS includes over 886 federally recognized areas and approximately 27 million acres.
- BLM's National Landscape Conservation System (NLCS) highlights some of the West's most spectacular public lands. In 2000, the NLCS was created to conserve, protect and restore nationally significant landscapes recognized for their cultural, ecological and scientific values. NLCS areas are congressionally or presidentially designated and include: national monuments, national conservation areas, national historic and scenic trails, wild and scenic rivers, wilderness areas, and wilderness study areas. Additionally, the NLCS includes other landscapes known as congressionally designated management areas. In Colorado, the system includes three National Conservation Areas, one National Monument, 5 Wilderness Areas, 54 Wilderness Study Areas, one National Scenic Trail, one National Historic Trail, one congressionally designated management area, and two National Natural Landmarks. These 68 NLCS units encompass more than 1,174,000 acres, which is about 1/8<sup>th</sup> (~15%) of all BLM land in Colorado and 2% of total surface acreage in the state.

## **Enabling Legislation**

### **PL 111-11**

#### **Omnibus Public Land Management Act of 2009**

## **TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS**

### **Subtitle A—National Landscape Conservation System**

#### **SEC. 2001. DEFINITIONS.**

In this subtitle:

- (1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.
- (2) SYSTEM.—The term “system” means the National Landscape Conservation System established by section 2002(a).

#### **SEC. 2002. ESTABLISHMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM.**

- (a) ESTABLISHMENT.—In order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations, there is established in the Bureau of Land Management the National Landscape Conservation System.
- (b) COMPONENTS.—The system shall include each of the following areas administered by the Bureau of Land Management:
  - (1) Each area that is designated as—
    - (A) a national monument;
    - (B) a national conservation area;
    - (C) a wilderness study area;
    - (D) a national scenic trail or national historic trail designated as a component of the National Trails System;
    - (E) a component of the National Wild and Scenic Rivers System; or
    - (F) a component of the National Wilderness Preservation System.
  - (2) Any area designated by Congress to be administered for conservation purposes, including—
    - (A) the Steens Mountain Cooperative Management and Protection Area;
    - (B) the Headwaters Forest Reserve;
    - (C) the Yaquina Head Outstanding Natural Area;
    - (D) public land within the California Desert Conservation Area administered by the Bureau of Land Management for conservation purposes; and
    - (E) any additional area designated by Congress for inclusion in the system.
- (c) MANAGEMENT.—The Secretary shall manage the system—
  - (1) in accordance with any applicable law (including regulations) relating to any component of the system included under subsection (b); and (2) in a manner that protects the values for which the components of the system were designated.
- (d) EFFECT.—
  - (1) IN GENERAL.—Nothing in this subtitle enhances, diminishes, or modifies any law or proclamation (including regulations relating to the law or proclamation) under which the

components of the system described in subsection (b) were established or are managed, including—

(A) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.);

(B) the Wilderness Act (16 U.S.C. 1131 et seq.);

(C) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(D) the National Trails System Act (16 U.S.C. 1241 et seq.); and

(E) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(2) FISH AND WILDLIFE.—Nothing in this subtitle shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, trapping and recreational shooting on public land managed by the Bureau of Land Management. Nothing in this subtitle shall be construed as limiting access for hunting, fishing, trapping, or recreational shooting.

### **SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

## **WILD AND SCENIC RIVERS**

### **Areas**

- BLM Colorado has no designated Wild and Scenic Rivers.

### **Objects and Values for which Area Was Established:**

- If an area is designated, the values will be the Outstandingly Remarkable Values (ORVs).